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Chapter No. 510  
16/HR31/R177SG  
See INA.

## ***HOUSE BILL NO. 289***

Originated in House  Clerk

HOUSE BILL NO. 289

AN ACT TO PROVIDE THAT THE STATE BOARD OF HEALTH OR THE STATE DEPARTMENT OF HEALTH MAY INCREASE THE AMOUNT OF ANY FEE CHARGED FOR PROVIDING A SERVICE NOT MORE THAN TWO TIMES DURING THE NEXT FOUR FISCAL YEARS, WITH THE PERCENTAGE OF EACH INCREASE BEING NOT MORE THAN FIFTEEN PERCENT OF THE AMOUNT OF THE FEE IN EFFECT AT THE TIME OF THE INCREASE; TO AMEND SECTION 45-14-31, MISSISSIPPI CODE OF 1972, TO INCREASE THE FEES THAT MAY BE CHARGED BY THE STATE BOARD OF HEALTH FOR CERTAIN RADIOLOGICAL HEALTH SERVICES; TO AUTHORIZE THE BOARD TO INCREASE THE AMOUNT OF THOSE FEES NOT MORE THAN TWO TIMES DURING THE NEXT FOUR FISCAL YEARS, WITH THE PERCENTAGE OF EACH INCREASE BEING NOT MORE THAN FIVE PERCENT OF THE AMOUNT OF THE FEE IN EFFECT AT THE TIME OF THE INCREASE; TO AMEND SECTIONS 21-27-207, 41-3-15, 41-3-18, 41-9-9, 41-26-23, 41-26-101, 41-58-3, 41-59-11, 41-59-17, 41-59-23, 41-59-33, 41-59-35, 41-59-65, 41-59-79, 41-67-12, 41-67-25, 41-67-37, 41-67-39, 41-71-5, 41-71-7, 41-75-7, 41-75-9, 41-77-9, 41-77-25, 41-85-7, 41-125-7, 43-11-7, 43-11-8, 43-11-9, 43-11-13, 43-16-25, 43-20-8, 43-20-11, 43-20-13, 43-20-59, 45-23-23, 45-23-41, 45-23-45, 45-23-53, 73-7-71, 73-10-9, 73-10-11, 73-10-21, 73-14-17, 73-14-19, 73-14-27, 73-14-31, 73-24-29, 73-38-31, 73-55-13, 73-57-19, 73-57-21, 73-57-27, 73-57-29, 73-61-1, 73-61-3, 73-65-5, 73-65-9, 73-65-11, 75-29-805, 75-31-65 AND 75-74-11, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** Except as otherwise provided by law, the State Board of Health or the State Department of Health may increase the

amount of any fee charged by the board or the department for providing a service, including the issuance and renewal of licenses and registrations, not more than two (2) times during the period from July 1, 2016, through June 30, 2020, with the percentage of each increase being not more than fifteen percent (15%) of the amount of the fee in effect at the time of the increase.

**SECTION 2.** Section 21-27-207, Mississippi Code of 1972, is amended as follows:

21-27-207. Both the board and commission may adopt, modify, repeal and promulgate, after due notice and hearing, and may make exceptions to and grant exemptions and variances from and may enforce those rules, regulations and procedures as are necessary or appropriate to effectuate the duties and responsibilities of these agencies arising under Sections 21-27-201 through 21-27-221. The rules, regulations and procedures shall include, but not be limited to, the following: criteria for classifying municipal and domestic community water systems, nontransient, noncommunity water systems and wastewater facilities; qualifications for operators of community water systems, nontransient, noncommunity water systems and wastewater facilities; certification of operators of commercial Class I rubbish sites; procedures for examining or testing applicants for operator certificates; procedures and fees for issuing, reissuing, modifying, revoking or terminating operator certificates; and reciprocal certification of operators

certified in other states having certification requirements not less stringent than those established by the board and commission. Any increase in the fees charged by the board under this section shall be in accordance with the provisions of Section 1 of this act.

**SECTION 3.** Section 41-3-15, Mississippi Code of 1972, is amended as follows:

41-3-15. (1) (a) There shall be a State Department of Health.

(b) The State Board of Health shall have the following powers and duties:

(i) To formulate the policy of the State Department of Health regarding public health matters within the jurisdiction of the department;

(ii) To adopt, modify, repeal and promulgate, after due notice and hearing, and enforce rules and regulations implementing or effectuating the powers and duties of the department under any and all statutes within the department's jurisdiction, and as the board may deem necessary;

(iii) To apply for, receive, accept and expend any federal or state funds or contributions, gifts, trusts, devises, bequests, grants, endowments or funds from any other source or transfers of property of any kind;

(iv) To enter into, and to authorize the executive officer to execute contracts, grants and cooperative agreements



with any federal or state agency or subdivision thereof, or any public or private institution located inside or outside the State of Mississippi, or any person, corporation or association in connection with carrying out the provisions of this chapter, if it finds those actions to be in the public interest and the contracts or agreements do not have a financial cost that exceeds the amounts appropriated for those purposes by the Legislature;

(v) To appoint, upon recommendation of the Executive Officer of the State Department of Health, a Director of Internal Audit who shall be either a Certified Public Accountant or Certified Internal Auditor, and whose employment shall be continued at the discretion of the board, and who shall report directly to the board, or its designee; and

(vi) To discharge such other duties, responsibilities and powers as are necessary to implement the provisions of this chapter.

(c) The Executive Officer of the State Department of Health shall have the following powers and duties:

(i) To administer the policies of the State Board of Health within the authority granted by the board;

(ii) To supervise and direct all administrative and technical activities of the department, except that the department's internal auditor shall be subject to the sole supervision and direction of the board;

(iii) To organize the administrative units of the department in accordance with the plan adopted by the board and, with board approval, alter the organizational plan and reassign responsibilities as he or she may deem necessary to carry out the policies of the board;

(iv) To coordinate the activities of the various offices of the department;

(v) To employ, subject to regulations of the State Personnel Board, qualified professional personnel in the subject matter or fields of each office, and such other technical and clerical staff as may be required for the operation of the department. The executive officer shall be the appointing authority for the department, and shall have the power to delegate the authority to appoint or dismiss employees to appropriate subordinates, subject to the rules and regulations of the State Personnel Board;

(vi) To recommend to the board such studies and investigations as he or she may deem appropriate, and to carry out the approved recommendations in conjunction with the various offices;

(vii) To prepare and deliver to the Legislature and the Governor on or before January 1 of each year, and at such other times as may be required by the Legislature or Governor, a full report of the work of the department and the offices thereof,

including a detailed statement of expenditures of the department and any recommendations the board may have;

(viii) To prepare and deliver to the Chairmen of the Public Health and Welfare/Human Services Committees of the Senate and House on or before January 1 of each year, a plan for monitoring infant mortality in Mississippi and a full report of the work of the department on reducing Mississippi's infant mortality and morbidity rates and improving the status of maternal and infant health; and

(ix) To enter into contracts, grants and cooperative agreements with any federal or state agency or subdivision thereof, or any public or private institution located inside or outside the State of Mississippi, or any person, corporation or association in connection with carrying out the provisions of this chapter, if he or she finds those actions to be in the public interest and the contracts or agreements do not have a financial cost that exceeds the amounts appropriated for those purposes by the Legislature. Each contract or agreement entered into by the executive officer shall be submitted to the board before its next meeting.

(2) The State Board of Health shall have the authority to establish an Office of Rural Health within the department. The duties and responsibilities of this office shall include the following:

(a) To collect and evaluate data on rural health conditions and needs;

(b) To engage in policy analysis, policy development and economic impact studies with regard to rural health issues;

(c) To develop and implement plans and provide technical assistance to enable community health systems to respond to various changes in their circumstances;

(d) To plan and assist in professional recruitment and retention of medical professionals and assistants; and

(e) To establish information clearinghouses to improve access to and sharing of rural health care information.

(3) The State Board of Health shall have general supervision of the health interests of the people of the state and to exercise the rights, powers and duties of those acts which it is authorized by law to enforce.

(4) The State Board of Health shall have authority:

(a) To make investigations and inquiries with respect to the causes of disease and death, and to investigate the effect of environment, including conditions of employment and other conditions that may affect health, and to make such other investigations as it may deem necessary for the preservation and improvement of health.

(b) To make such sanitary investigations as it may, from time to time, deem necessary for the protection and

improvement of health and to investigate nuisance questions that affect the security of life and health within the state.

(c) To direct and control sanitary and quarantine measures for dealing with all diseases within the state possible to suppress same and prevent their spread.

(d) To obtain, collect and preserve such information relative to mortality, morbidity, disease and health as may be useful in the discharge of its duties or may contribute to the prevention of disease or the promotion of health in this state.

(e) To charge and collect reasonable fees for health services, including immunizations, inspections and related activities, and the board shall charge fees for those services; \* \* \* however, if it is determined that a person receiving services is unable to pay the total fee, the board shall collect any amount that the person is able to pay. Any increase in the fees charged by the board under this paragraph shall be in accordance with the provisions of Section 1 of this act.

(f) (i) To establish standards for, issue permits and exercise control over, any cafes, restaurants, food or drink stands, sandwich manufacturing establishments, and all other establishments, other than churches, church-related and private schools, and other nonprofit or charitable organizations, where food or drink is regularly prepared, handled and served for pay; and

(ii) To require that a permit be obtained from the Department of Health before those persons begin operation. If any such person fails to obtain the permit required in this subparagraph (ii), the State Board of Health, after due notice and opportunity for a hearing, may impose a monetary penalty not to exceed One Thousand Dollars (\$1,000.00) for each violation. However, the department is not authorized to impose a monetary penalty against any person whose gross annual prepared food sales are less than Five Thousand Dollars (\$5,000.00). Money collected by the board under this subparagraph (ii) shall be deposited to the credit of the State General Fund of the State Treasury.

(g) To promulgate rules and regulations and exercise control over the production and sale of milk pursuant to the provisions of Sections 75-31-41 through 75-31-49.

(h) On presentation of proper authority, to enter into and inspect any public place or building where the State Health Officer or his representative deems it necessary and proper to enter for the discovery and suppression of disease and for the enforcement of any health or sanitary laws and regulations in the state.

(i) To conduct investigations, inquiries and hearings, and to issue subpoenas for the attendance of witnesses and the production of books and records at any hearing when authorized and required by statute to be conducted by the State Health Officer or the State Board of Health.

(j) To promulgate rules and regulations, and to collect data and information, on (i) the delivery of services through the practice of telemedicine; and (ii) the use of electronic records for the delivery of telemedicine services.

(k) To enforce and regulate domestic and imported fish as authorized under Section 69-7-601 et seq.

(5) (a) The State Board of Health shall have the authority, in its discretion, to establish programs to promote the public health, to be administered by the State Department of Health. Specifically, those programs may include, but shall not be limited to, programs in the following areas:

- (i) Maternal and child health;
- (ii) Family planning;
- (iii) Pediatric services;
- (iv) Services to crippled and disabled children;
- (v) Control of communicable and noncommunicable disease;
- (vi) Chronic disease;
- (vii) Accidental deaths and injuries;
- (viii) Child care licensure;
- (ix) Radiological health;
- (x) Dental health;
- (xi) Milk sanitation;
- (xii) Occupational safety and health;

(xiii) Food, vector control and general sanitation;

(xiv) Protection of drinking water;

(xv) Sanitation in food handling establishments open to the public;

(xvi) Registration of births and deaths and other vital events;

(xvii) Such public health programs and services as may be assigned to the State Board of Health by the Legislature or by executive order; and

(xviii) Regulation of domestic and imported fish for human consumption.

(b) The State Board of Health and State Department of Health shall not be authorized to sell, transfer, alienate or otherwise dispose of any of the home health agencies owned and operated by the department on January 1, 1995, and shall not be authorized to sell, transfer, assign, alienate or otherwise dispose of the license of any of those home health agencies, except upon the specific authorization of the Legislature by an amendment to this section. However, this paragraph (b) shall not prevent the board or the department from closing or terminating the operation of any home health agency owned and operated by the department, or closing or terminating any office, branch office or clinic of any such home health agency, or otherwise discontinuing the providing of home health services through any such home health



agency, office, branch office or clinic, if the board first demonstrates that there are other providers of home health services in the area being served by the department's home health agency, office, branch office or clinic that will be able to provide adequate home health services to the residents of the area if the department's home health agency, office, branch office or clinic is closed or otherwise discontinues the providing of home health services. This demonstration by the board that there are other providers of adequate home health services in the area shall be spread at length upon the minutes of the board at a regular or special meeting of the board at least thirty (30) days before a home health agency, office, branch office or clinic is proposed to be closed or otherwise discontinue the providing of home health services.

(c) The State Department of Health may undertake such technical programs and activities as may be required for the support and operation of those programs, including maintaining physical, chemical, bacteriological and radiological laboratories, and may make such diagnostic tests for diseases and tests for the evaluation of health hazards as may be deemed necessary for the protection of the people of the state.

(6) (a) The State Board of Health shall administer the local governments and rural water systems improvements loan program in accordance with the provisions of Section 41-3-16.

(b) The State Board of Health shall have authority:

(i) To enter into capitalization grant agreements with the United States Environmental Protection Agency, or any successor agency thereto;

(ii) To accept capitalization grant awards made under the federal Safe Drinking Water Act, as amended;

(iii) To provide annual reports and audits to the United States Environmental Protection Agency, as may be required by federal capitalization grant agreements; and

(iv) To establish and collect fees to defray the reasonable costs of administering the revolving fund or emergency fund if the State Board of Health determines that those costs will exceed the limitations established in the federal Safe Drinking Water Act, as amended. The administration fees may be included in loan amounts to loan recipients for the purpose of facilitating payment to the board; however, those fees may not exceed five percent (5%) of the loan amount.

(7) Notwithstanding any other provision to the contrary, the State Department of Health shall have the following specific powers: The department shall issue a license to Alexander Milne Home for Women, Inc., a 501(c)(3) nonprofit corporation, for the construction, conversion, expansion and operation of not more than forty-five (45) beds for developmentally disabled adults who have been displaced from New Orleans, Louisiana, with the beds to be located in a certified ICF-MR facility in the City of Laurel, Mississippi. There shall be no prohibition or restrictions on

participation in the Medicaid program for the person receiving the license under this subsection (7). The license described in this subsection shall expire five (5) years from the date of its issue. The license authorized by this subsection shall be issued upon the initial payment by the licensee of an application fee of Sixty-seven Thousand Dollars (\$67,000.00) and a monthly fee of Sixty-seven Thousand Dollars (\$67,000.00) after the issuance of the license, to be paid as long as the licensee continues to operate. The initial and monthly licensing fees shall be deposited by the State Department of Health into the special fund created under Section 41-7-188.

(8) Notwithstanding any other provision to the contrary, the State Department of Health shall have the following specific powers: The State Department of Health is authorized to issue a license to an existing home health agency for the transfer of a county from that agency to another existing home health agency, and to charge a fee for reviewing and making a determination on the application for such transfer not to exceed one-half (1/2) of the authorized fee assessed for the original application for the home health agency, with the revenue to be deposited by the State Department of Health into the special fund created under Section 41-7-188.

(9) Notwithstanding any other provision to the contrary, the State Department of Health shall have the following specific powers: For the period beginning July 1, 2010, through July 1,

2017, the State Department of Health is authorized and empowered to assess a fee in addition to the fee prescribed in Section 41-7-188 for reviewing applications for certificates of need in an amount not to exceed twenty-five one-hundredths of one percent (.25 of 1%) of the amount of a proposed capital expenditure, but shall be not less than Two Hundred Fifty Dollars (\$250.00) regardless of the amount of the proposed capital expenditure, and the maximum additional fee permitted shall not exceed Fifty Thousand Dollars (\$50,000.00). Provided that the total assessments of fees for certificate of need applications under Section 41-7-188 and this section shall not exceed the actual cost of operating the certificate of need program.

(10) Notwithstanding any other provision to the contrary, the State Department of Health shall have the following specific powers: The State Department of Health is authorized to extend and renew any certificate of need that has expired, and to charge a fee for reviewing and making a determination on the application for such action not to exceed one-half (1/2) of the authorized fee assessed for the original application for the certificate of need, with the revenue to be deposited by the State Department of Health into the special fund created under Section 41-7-188.

(11) Notwithstanding any other provision to the contrary, the State Department of Health shall have the following specific powers: The State Department of Health is authorized and empowered, to revoke, immediately, the license and require closure

of any institution for the aged or infirm, including any other remedy less than closure to protect the health and safety of the residents of said institution or the health and safety of the general public.

(12) Notwithstanding any other provision to the contrary, the State Department of Health shall have the following specific powers: The State Department of Health is authorized and empowered, to require the temporary detainment of individuals for disease control purposes based upon violation of any order of the State Health Officer, as provided in Section 41-23-5. For the purpose of enforcing such orders of the State Health Officer, persons employed by the department as investigators shall have general arrest powers. All law enforcement officers are authorized and directed to assist in the enforcement of such orders of the State Health Officer.

**SECTION 4.** Section 41-3-18, Mississippi Code of 1972, is amended as follows:

41-3-18. (1) The board shall assess fees in the following amounts and for the following purposes:

(a) Food establishment annual permit fee, based on the assessment factors of the establishment as follows:

Assessment Category 1.....	\$ 30.00
Assessment Category 2.....	100.00
Assessment Category 3.....	150.00

Assessment Category 4.....200.00

(b) Private water supply approval fee.....\$ 10.00

The board may develop such reasonable standards, rules and regulations to clearly define each assessment category.

Assessment categories shall be based upon the factors to the public health implications of the category and type of food preparation being utilized by the food establishment, utilizing the model Food Code of 1995, or as may be amended by the federal Food and Drug Administration.

Any increase in the fees charged by the board under this subsection shall be in accordance with the provisions of Section 1 of this act.

(2) The fee authorized under subsection (1)(a) of this section shall not be assessed for:

(a) Food establishments operated by public schools, public junior and community colleges, or state agencies or institutions, including, without limitation, the state institutions of higher learning and the State Penitentiary; and

(b) Persons who make infrequent casual sales of honey and who pack or sell less than five hundred (500) gallons of honey per year, and those persons shall not be inspected by the State Department of Health unless requested by the producer.

(3) The fee authorized under subsection (1)(b) of this section shall not be assessed for private water supplies used by foster homes licensed by the Department of Human Services.

**SECTION 5.** Section 41-9-9, Mississippi Code of 1972, is amended as follows:

41-9-9. (1) An application for a license shall be made to the licensing agency upon forms provided by it and shall contain such information as the licensing agency reasonably requires, which may include affirmative evidence of ability to comply with such reasonable standards, rules and regulations as are lawfully prescribed under Section 41-9-17. A license, unless suspended or revoked, shall be renewable annually upon payment of a renewal fee of Twenty Dollars (\$20.00) for each licensed bed in the hospital, which shall be paid to the licensing agency, with a minimum fee of Five Hundred Dollars (\$500.00) per hospital and a maximum fee of Five Thousand Dollars (\$5,000.00), and upon filing by the licensee and approval by the licensing agency of an annual report upon such uniform dates and containing such information in such form as the licensing agency prescribes by rule or regulation. Any increase in the fee charged by the licensing agency under this subsection shall be in accordance with the provisions of Section 1 of this act. Each license shall be issued only for the premises and person or persons or other legal entity or entities named in the application and shall not be transferable or assignable except with the written approval of the licensing agency. Licenses shall be posted in a conspicuous place on the licensed premises.

(2) The appropriate licensure fee, according to the schedule herein, shall be paid to the licensing agency and may be paid by

check, draft or money order. A license shall not be issued to any hospital until such fee is received by the licensing agency.

(3) A fee known as a "User Fee" shall be applicable and shall be paid to the licensing agency as set out in subsection (2) of this section. Any increase in the fee charged by the licensing agency under this subsection shall be in accordance with the provisions of Section 1 of this act. This user fee shall be assessed for the purpose of the required reviewing and inspections of the proposal of any hospital in which there are additions, renovations, modernizations, expansion, alterations, conversions, modifications or replacement of the entire facility involved in such proposal. This fee includes the reviewing of architectural plans in all steps required. There shall be a minimum user fee of Fifty Dollars (\$50.00) and a maximum user fee of Five Thousand Dollars (\$5,000.00).

**SECTION 6.** Section 41-26-23, Mississippi Code of 1972, is amended as follows:

41-26-23. (1) There is created in the State Treasury a fund to be designated as the "Drinking Water Quality Analysis Fund." The fund shall be treated as a special trust fund. Interest earned on the principal in the fund shall be credited by the Treasurer to the fund. The fund may receive monies from any available public or private source, including fees, proceeds and grants. The department shall expend or utilize monies in the fund to pay all reasonable direct and indirect costs of water quality



analysis and related activities as required by the federal Safe Drinking Water Act, as amended. Monies in the fund at the end of the fiscal year shall be retained in the fund for use in the succeeding fiscal year. Except as provided in subsection (5) of this section, if the annual fees collected exceed the cost of administering the water quality analysis program in that fiscal year, the excess shall be applied to the cost of administering the program in the succeeding fiscal year. In the succeeding fiscal year, the total to be collected from fees shall be reduced by the excess retained in the fund and the assessment rates shall be adjusted proportionately.

(2) The department annually shall assess and collect fees for water quality analysis and related activities as required by the federal Safe Drinking Water Act, as amended, which shall not exceed Three Dollars (\$3.00) per connection or Forty Thousand Dollars (\$40,000.00) per system, whichever is less. Any increase in the fees charged by the department under this subsection shall be in accordance with the provisions of Section 1 of this act.

The department annually shall adopt by rule, in accordance with the Administrative Procedures Law and following a public hearing, a fee schedule to cover all reasonable direct and indirect costs of water quality analysis and related activities as required by the federal Safe Drinking Water Act, as amended. In adopting a fee schedule, the department shall consider the recommendations of

the advisory committee created in this section, if those recommendations are made in a timely manner as provided.

(3) An advisory committee is created to study the program needs and costs for the implementation of the water quality analysis program and to conduct an annual review of the needs and costs of administering that program. The annual review shall include an independent recommendation on an equitable fee schedule for the succeeding fiscal year. Each annual review report shall be due to the department by May 1. The advisory committee shall consist of one (1) member appointed by the Mississippi Rural Water Association, one (1) member appointed by the Mississippi Municipal Association, one (1) member appointed by the Mississippi Association of Supervisors and one (1) member appointed by the Mississippi Water and Pollution Control Operators Association, Inc.

(4) All suppliers of water for which water quality analysis and related activities as required by the federal Safe Drinking Water Act, as amended, are performed by the State Department of Health shall pay the water quality analysis fee within forty-five (45) days following receipt of an invoice from the department. In the discretion of the department, any supplier of water required to pay the fee shall be liable for a penalty equal to a maximum of two (2) times the amount of fees due and payable plus an amount necessary to reimburse the costs of delinquent fee collection for failure to pay the fee within ninety (90) days following the

receipt of the invoice. Any person making sales to customers of water for residential, noncommercial or nonagricultural use and who recovers the fee required by this section or any portion thereof from any customer shall indicate on each statement rendered to customers that these fees are for water quality analyses required by the federal government under the Safe Drinking Water Act, as amended.

(5) There is created within the Drinking Water Quality Analysis Fund an equipment capital expenditure account, hereinafter referred to as the "account." The department may transfer any excess fees, not exceeding ten percent (10%) of the total fees assessed under this section, to the account. The balance in the account shall not exceed Five Hundred Thousand Dollars (\$500,000.00). Funds in the account shall be used by the department, as appropriated by the Legislature, to defray the costs of purchasing new equipment or repairing existing equipment for the analysis of drinking water.

**SECTION 7.** Section 41-26-101, Mississippi Code of 1972, is amended as follows:

41-26-101. (1) Each member elected or reelected after June 30, 1998, to serve on a governing board of any community public water system, except systems operated by municipalities with a population greater than ten thousand (10,000), shall attend a minimum of eight (8) hours of management training within two (2) years following the election of that board member. Any member

failing to complete the management training within two (2) years after his election shall be subject to removal from the board by the remaining members. If a board member has undergone training and is reelected to the board, that board member shall not be required to attend training as provided by this subsection.

(2) The management training shall be organized by the State Department of Health, in cooperation with the Mississippi Rural Water Association and other organizations. The management training shall include information on water system management and financing, rate setting and structures, operations and maintenance, applicable laws and regulations, ethics, the duties and responsibilities of a board member and other information deemed necessary by the department after consultation with the association and other organizations. The department shall develop and provide all training materials. The department may charge a fee not to exceed Seventy-five Dollars (\$75.00) per member to defray the actual costs of providing the materials and training. These costs shall be reimbursed to the board member as an expense of the community public water system. Any increase in the fee charged by the department under this subsection shall be in accordance with the provisions of Section 1 of this act.

(3) To avoid board members having to interfere with their jobs or employment, management training sessions may be divided into segments and, to the greatest extent possible, shall be scheduled for evening sessions. The department shall conduct

management training on a regional basis and shall use community college or other public facilities for the convenience of board members.

(4) The department may make exceptions to and grant exemptions and variances to the requirements of this section for good cause shown.

**SECTION 8.** Section 41-58-3, Mississippi Code of 1972, is amended as follows:

41-58-3. (1) The department shall have full authority to adopt such rules and regulations not inconsistent with the laws of this state as may be necessary to effectuate the provisions of this chapter, and may amend or repeal the same as may be necessary for such purposes.

(2) There shall be established a Medical Radiation Advisory Council to be appointed as provided in this section. The council shall consist of nine (9) members as follows:

- (a) One (1) radiologist who is an active practitioner and member of the Mississippi Radiological Society;
- (b) One (1) licensed family physician;
- (c) One (1) licensed practitioner;
- (d) Two (2) registered radiologic technologists;
- (e) One (1) nuclear medicine technologist;
- (f) One (1) radiation therapist;
- (g) One (1) radiation physicist;
- (h) One (1) hospital administrator; and

(i) The State Health Officer, or his designee, who shall serve as ex officio chairman with no voting authority.

(3) The department shall, following the recommendations from the appropriate professional state societies and organizations, including the Mississippi Radiological Society, the Mississippi Society of Radiologic Technologists, and the Mississippi State Nuclear Medicine Society, and other nominations that may be received from whatever source, appoint the members of the council as soon as possible after the effective date of \* \* \* subsection (2) \* \* \* of this section and this subsection (3). Any person serving on the council who is a practitioner of a profession or occupation required to be licensed, credentialed or certified in the state shall be a holder of an appropriate license, credential or certificate issued by the state. All members of the council shall be residents of the State of Mississippi. The council shall promulgate such rules and regulations by which it shall conduct its business. Members of the council shall receive no salary for services performed on the council but may be reimbursed for their reasonable and necessary actual expenses incurred in the performance of the same, from funds provided for such purpose. The council shall assist and advise the department in the development of regulations and standards to effectuate the provisions of this chapter.

(4) A radiologic technologist, nuclear medicine technologist or radiation therapist shall not apply ionizing or x-radiation or

administer radiopharmaceuticals to a human being or otherwise engage in the practice of medical radiation technology unless the person possesses a valid registration issued by the department under the provisions of this chapter.

(5) The department may issue a temporary registration to practice a specialty of medical radiation technology to any applicant who has completed an approved program, who has complied with the provisions of this chapter, and is awaiting examination for that specialty. This registration shall convey the same rights as the registration for which the applicant is awaiting examination and shall be valid for one (1) six-month period.

(6) The department may charge a registration fee of not more than Fifty Dollars (\$50.00) biennially to each person to whom it issues a registration under the provisions of this chapter. Any increase in the fee charged by the department under this subsection shall be in accordance with the provisions of Section 1 of this act.

(7) Registration with the department is not required for:

(a) A student enrolled in and participating in an accredited course of study approved by the department for diagnostic radiologic technology, nuclear medicine technology or radiation therapy, who as a part of his clinical course of study applies ionizing radiation to a human being while under the supervision of a licensed practitioner, registered radiologic

technologist, registered nuclear medicine technologist or registered radiation therapist;

(b) Laboratory personnel who use radiopharmaceuticals for in vitro studies;

(c) A dental hygienist or a dental assistant who is not a radiologic technologist, nuclear medicine technologist or radiation therapist, who possesses a radiology permit issued by the Board of Dental Examiners and applies ionizing radiation under the specific direction of a licensed dentist;

(d) A chiropractic assistant who is not a radiologic technologist, nuclear medicine technologist or radiation therapist, who possesses a radiology permit issued by the Board of Chiropractic Examiners and applies ionizing radiation under the specific direction of a licensed chiropractor;

(e) An individual who is permitted as a limited x-ray machine operator by the State Board of Medical Licensure and applies ionizing radiation in a physician's office, radiology clinic or a licensed hospital in Mississippi under the specific direction of a licensed practitioner; and

(f) A student enrolled in and participating in an accredited course of study for diagnostic radiologic technology, nuclear medicine technology or radiation therapy and is employed by a physician's office, radiology clinic or a licensed hospital in Mississippi and applies ionizing radiation under the specific direction of a licensed practitioner.



(8) Nothing in this chapter is intended to limit, preclude, or otherwise interfere with the practices of a licensed practitioner who is duly licensed or registered by the appropriate agency of the State of Mississippi, provided that the agency specifically recognizes that the procedures covered by this chapter are within the scope of practice of the licensee or registrant.

(9) (a) If any radiologic technologist, nuclear medicine technologist or radiation therapist violates any provision of this chapter or the regulations adopted by the department, the department shall suspend or revoke the registration and practice privileges of the person or issue other disciplinary actions in accordance with statutory procedures and rules and regulations of the department.

(b) If any person violates any provision of this chapter, the department shall issue a written warning to the licensed practitioner or medical institution that employs the person; and if that person violates any provision of this chapter again within three (3) years after the first violation, the department may suspend or revoke the permit or registration for the x-radiation and ionizing equipment of the licensed practitioner or medical institution that employs the person, in accordance with statutory procedures and rules and regulations of the department regarding suspension and revocation of those permits or registrations.

(10) This section shall stand repealed on July 1, 2018.

**SECTION 9.** Section 41-59-11, Mississippi Code of 1972, is amended as follows:

41-59-11. Application for license shall be made to the board by private firms or nonfederal governmental agencies. The application shall be made upon forms in accordance with procedures established by the board and shall contain the following:

(a) The name and address of the owner of the ambulance service or proposed ambulance service;

(b) The name in which the applicant is doing business or proposes to do business;

(c) A description of each ambulance including the make, model, year of manufacture, motor and chassis numbers, color scheme, insignia, name, monogram or other distinguishing characteristics to be used to designate applicant's ambulance;

(d) The location and description of the place or places from which the ambulance service is intended to operate; and

(e) Such other information as the board shall deem necessary.

Each application for a license shall be accompanied by a license fee to be fixed by the board, which shall be paid to the board. Any increase in the fee charged by the board under this section shall be in accordance with the provisions of Section 1 of this act.

**SECTION 10.** Section 41-59-17, Mississippi Code of 1972, is amended as follows:

41-59-17. (1) The board is \* \* \* authorized to suspend or revoke a license whenever it determines that the holder no longer meets the requirements prescribed for operating an ambulance service.

(2) A license issued under this chapter may be renewed upon payment of a renewal fee to be fixed by the board, which shall be paid to the board. Any increase in the fee charged by the board under this subsection shall be in accordance with the provisions of Section 1 of this act. Renewal of any license issued under the provisions of this chapter shall require conformance with all the requirements of this chapter as upon original licensing.

**SECTION 11.** Section 41-59-23, Mississippi Code of 1972, is amended as follows:

41-59-23. (1) Before a vehicle can be operated as an ambulance, its licensed owner must apply for and receive an ambulance permit issued by the board for such vehicle. Application shall be made upon forms and according to procedures established by the board. Each application for an ambulance permit shall be accompanied by a permit fee to be fixed by the board, which shall be paid to the board. Any increase in the fee charged by the board under this subsection shall be in accordance with the provisions of Section 1 of this act. Prior to issuing an original or renewal permit for an ambulance, the vehicle for which the

permit is issued shall be inspected and a determination made that the vehicle meets all requirements as to vehicle design, sanitation, construction, medical equipment and supplies set forth in this chapter and regulations promulgated by the board. Permits issued for ambulance shall be valid for a period not to exceed one (1) year.

(2) The board is \* \* \* authorized to suspend or revoke an ambulance permit any time it determines that the vehicle and/or its equipment no longer meets the requirements specified by this chapter and regulations promulgated by the board.

(3) The board may issue temporary permits valid for a period not to exceed ninety (90) days for ambulances not meeting required standards when it determines the public interest will thereby be served.

(4) When a permit has been issued for an ambulance as specified herein, the ambulance records relating to maintenance and operation of such ambulance shall be open to inspection by a duly authorized representative of the board during normal working hours.

(5) An ambulance permit issued under this chapter may be renewed upon payment of a renewal fee to be fixed by the board, which shall be paid to the board. Any increase in the fee charged by the board under this subsection shall be in accordance with the provisions of Section 1 of this act. Renewal of any ambulance

permit issued under the provisions of this chapter shall require conformance with all requirements of this chapter.

**SECTION 12.** Section 41-59-33, Mississippi Code of 1972, is amended as follows:

41-59-33. Any person desiring certification as an emergency medical technician shall apply to the board using forms prescribed by the board. Each application for an emergency medical technician certificate shall be accompanied by a certificate fee to be fixed by the board, which shall be paid to the board. Any increase in the fee charged by the board under this section shall be in accordance with the provisions of Section 1 of this act. Upon the successful completion of the board's approved emergency medical technical training program, the board shall make a determination of the applicant's qualifications as an emergency medical technician as set forth in the regulations promulgated by the board, and shall issue an emergency medical technician certificate to the applicant.

**SECTION 13.** Section 41-59-35, Mississippi Code of 1972, is amended as follows:

41-59-35. (1) An emergency medical technician certificate so issued shall be valid for a period not exceeding two (2) years from the date of issuance and may be renewed upon payment of a renewal fee to be fixed by the board, which shall be paid to the board, provided that the holder meets the qualifications set forth in this Chapter 59 and Chapter 60 and rules and regulations

promulgated by the board. Any increase in the fee charged by the board under this subsection shall be in accordance with the provisions of Section 1 of this act.

(2) The board is authorized to suspend or revoke a certificate so issued at any time it is determined that the holder no longer meets the prescribed qualifications.

(3) It shall be unlawful for any person, corporation or association to, in any manner, represent himself or itself as an Emergency Medical Technician-Basic, Emergency Medical Technician-Intermediate, Emergency Medical Technician-Paramedic, Emergency Medical Technician-Paramedic Critical Care, or Emergency Medical Services Driver, or use in connection with his or its name the words or letters of EMT, emt, paramedic, critical care paramedic, or any other letters, words, abbreviations or insignia which would indicate or imply that he or it is an Emergency Medical Technician-Basic, Emergency Medical Technician-Intermediate, Emergency Medical Technician-Paramedic, Emergency Medical Technician-Paramedic Critical Care, or Emergency Medical Services Driver, unless certified in accordance with Chapters 59 and 60 of this title and in accordance with the rules and regulations promulgated by the board. It shall be unlawful to employ an uncertified Emergency Medical Technician-Basic, Emergency Medical Technician-Intermediate, Emergency Medical Technician-Paramedic, or Emergency Medical Technician-Paramedic Critical Care to provide basic or advanced life-support services.

(4) Any Emergency Medical Technician-Basic, Emergency Medical Technician-Intermediate, Emergency Medical Technician-Paramedic, Emergency Medical Technician-Paramedic Critical Care, or Emergency Medical Services Driver who violates or fails to comply with these statutes or the rules and regulations promulgated by the board hereunder shall be subject, after due notice and hearing, to an administrative fine not to exceed One Thousand Dollars (\$1,000.00).

**SECTION 14.** Section 41-59-65, Mississippi Code of 1972, is amended as follows:

41-59-65. Either a public or private ambulance service licensed and regulated by the State Board of Health desiring to offer such a membership subscription program shall make application for permit to conduct and implement such program to the State Board of Health. The application shall be made upon forms in accordance with procedures established by the board and shall contain the following:

- (a) The name and address of the owner of the ambulance service;
  - (b) The name in which the applicant is doing business;
  - (c) The location and description of the place or places from which the ambulance service operates;
  - (d) The places or areas in which the ambulance service intends to conduct and operate a membership subscription program;
- and

(e) Such other information as the board shall deem necessary.

Each application for a permit shall be accompanied by a permit fee of Five Hundred Dollars (\$500.00), which shall be paid to the board. The permit shall be issued to expire the next ensuing December 31. The permit issued under this section may be renewed upon payment of a renewal fee of Five Hundred Dollars (\$500.00), which shall be paid to the board. Renewal of any permit issued under this section shall require conformance with all requirements of this chapter. Any increase in the fee charged by the board under this section shall be in accordance with the provisions of Section 1 of this act.

**SECTION 15.** Section 41-59-79, Mississippi Code of 1972, is amended as follows:

41-59-79. Any person desiring certification as a medical first responder shall apply to the board using forms prescribed by the board. Each application for a medical first responder certificate shall be accompanied by a certificate fee to be fixed by the board, which shall be paid to the board. Any increase in the fee charged by the board under this section shall be in accordance with the provisions of Section 1 of this act. Upon the successful completion of the board's approved medical first responder training program, the board shall make a determination of the applicant's qualifications as a medical first responder as



set forth in the regulations promulgated by the board, and shall issue a medical first responder certificate to the applicant.

**SECTION 16.** Section 41-67-12, Mississippi Code of 1972, is amended as follows:

41-67-12. (1) The department shall assess fees in the following amounts for the following purposes:

(a) A fee \* \* \* of One Hundred Dollars (\$100.00) shall be levied for soil and site evaluation and recommendation of individual on-site wastewater disposal systems. The department may increase the amount of the fee authorized in this paragraph (a) not more than two (2) times during the period from July 1, 2016, through June 30, 2020, with the percentage of each increase being not more than five percent (5%) of the amount of the fee in effect at the time of the increase.

(b) A fee of Fifty Dollars (\$50.00) shall be levied annually for the certification of installers and pumpers.

(c) A fee of One Hundred Dollars (\$100.00) shall be levied annually for the registration of manufacturers.

Any increase in the fee charged by the department under paragraph (b) or (c) of this subsection shall be in accordance with the provisions of Section 1 of this act.

(2) In the discretion of the board, a person shall be liable for a penalty equal to one and one-half (1-1/2) times the amount of the fee due and payable for failure to pay the fee on or before

the date due, plus any amount necessary to reimburse the cost of collection.

(3) No fee authorized under this section shall be assessed by the department for state agencies or institutions, including, without limitation, foster homes licensed by the Mississippi Department of Human Services.

**SECTION 17.** Section 41-67-25, Mississippi Code of 1972, is amended as follows:

41-67-25. (1) A person may not operate as an installer of individual on-site wastewater disposal systems unless that person is currently certified by the department. A person who installs an individual on-site wastewater disposal system on his own property for his primary residence is not considered an installer for purposes of this subsection.

(2) An installer of advanced treatment systems or products must be a factory-trained and authorized representative. The manufacturer must furnish documentation to the department certifying the satisfactory completion of factory training and the establishment of the installer as an authorized manufacturer's representative.

(3) The department shall issue a certification to an installer if the installer:

(a) Completes an application form that complies with this chapter and rules and regulations adopted by the board;

(b) Satisfactorily completes the training program for installation and maintenance provided by the department;

(c) Pays the annual certification fee, which shall be an amount not greater than Fifty Dollars (\$50.00); any increase in the fee charged by the department under this paragraph shall be in accordance with the provisions of Section 1 of this act; and

(d) Provides proof of having a valid general business liability insurance policy in effect with liability limits of at least Fifty Thousand Dollars (\$50,000.00) per occurrence and at least One Hundred Thousand Dollars (\$100,000.00) in total aggregate amount.

(4) Each installer shall furnish proof of certification to a property owner, lessee, the owner's representative or occupant of the property on which an individual on-site wastewater disposal system is to be designed, constructed, repaired or installed by that installer and to the department or its authorized representative, if requested.

(5) The department shall provide for annual renewal of certifications.

(6) (a) An installer's certification may be suspended or revoked by the department after notice and hearing if the installer violates this chapter or any rule or regulation adopted under this chapter.

(b) The installer may appeal a suspension or revocation under this section as provided by law.

(7) The department shall disseminate to the public an official list of certified installers.

(8) If any person is operating in the state as an installer without certification by the board, the board, after due notice and opportunity for a hearing, may impose a monetary penalty not to exceed Ten Thousand Dollars (\$10,000.00) for each violation.

(9) The department shall provide for annual renewal of installer certifications to be applied for at the local department offices.

**SECTION 18.** Section 41-67-37, Mississippi Code of 1972, is amended as follows:

41-67-37. (1) A person may not operate as a certified professional evaluator in this state unless that person is currently certified by the department or is a licensed professional engineer.

(2) A person must meet one (1) of the following requirements, in addition to the additional requirements set forth in other sections of this chapter and rules and regulations of the board, in order to be eligible to become a certified professional evaluator:

(a) Be a professional geologist registered in the State of Mississippi;

(b) Be a professional soil classifier licensed in the State of Mississippi; or

(c) Be a person who possesses a demonstrable, adequate and appropriate record of professional experience and/or training as determined by the department.

(3) The department shall issue a certification to a certified professional evaluator if the certified professional evaluator:

(a) Completes an application form that complies with this chapter and rules adopted under this chapter;

(b) Satisfactorily completes the certified professional evaluator training program provided by the department;

(c) Pays the annual certification fee; any increase in the fee charged by the department under this paragraph shall be in accordance with the provisions of Section 1 of this act; and

(d) Provides proof of having an errors and omissions policy or surety in effect with liability limits of at least Fifty Thousand Dollars (\$50,000.00) per occurrence and at least One Hundred Thousand Dollars (\$100,000.00) in total aggregate amount.

(4) Each certified professional evaluator shall furnish proof of certification to a property owner or the owner's representative of the property before performing a site evaluation of the property on which an individual on-site wastewater disposal system is to be designed, constructed, repaired or installed by the certified professional evaluator and to the department or its authorized representative, if requested.

(5) The department shall provide for annual renewal of certifications.

(6) The department shall disseminate to the public an official list of certified professional evaluators.

(7) If any person who is not a licensed professional engineer operates in the state as a certified professional evaluator without certification by the department, the department, after due notice and opportunity for a hearing, may impose a monetary penalty not to exceed Ten Thousand Dollars (\$10,000.00) for each violation.

**SECTION 19.** Section 41-67-39, Mississippi Code of 1972, is amended as follows:

41-67-39. (1) A person may not be engaged in the business of removing and disposing of the sludge and liquid waste (septage) from individual on-site wastewater disposal systems in this state unless that person has a valid certificate issued by the department.

(2) The department shall issue a certificate to a pumper if the pumper:

(a) Completes an application form that complies with this chapter and rules adopted under this chapter;

(b) Satisfactorily completes the certified pumper training program provided by the department;

(c) Satisfactorily complies with the requirements of his/her pumping and hauling equipment;

(d) Provides documentation of a disposal site approved by the Department of Environmental Quality, Office of Pollution Control;

(e) Pays the annual license fee; any increase in the fee charged by the department under this paragraph shall be in accordance with the provisions of Section 1 of this act; and

(f) Provides proof of having a valid general business liability insurance policy in effect with liability limits of at least Fifty Thousand Dollars (\$50,000.00) per occurrence and at least One Hundred Thousand Dollars (\$100,000.00) in total aggregate amount.

(3) Each pumper or designated agent thereof, upon request, shall furnish proof of certification to an individual before entering a contract with that individual for the removing and disposing of the sludge and liquid waste (septage) from an individual on-site wastewater disposal system.

(4) The department shall disseminate to the public an official list of certified pumpers.

(5) If any person operates in the state as a certified pumper without a license by the board, the board, after due notice and opportunity for a hearing, may impose a monetary penalty not to exceed Ten Thousand Dollars (\$10,000.00) for each violation.

(6) The department may suspend or revoke a pumper certification if the pumper disposes of septage or other liquid

waste in an unpermitted or unapproved site and/or violates this chapter or rules and regulations under this chapter.

(7) A municipal wastewater treatment facility may make a site available for certified pumpers to dispose of septic or other liquid waste.

(8) The department shall provide for annual renewal of certifications.

(9) The department must provide for renewal pumper certifications to be applied for at the local department offices.

**SECTION 20.** Section 41-71-5, Mississippi Code of 1972, is amended as follows:

41-71-5. An application for a license shall be made to the licensing agency upon forms provided by the agency and shall contain such information as the agency shall require, which may include affirmative evidence of ability to comply with such reasonable standards, rules and regulations as are lawfully prescribed under this chapter. A license fee of One Thousand Dollars (\$1,000.00), payable to the licensing agency, shall be submitted with each application. Any increase in the fee charged by the licensing agency under this section shall be in accordance with the provisions of Section 1 of this act.

**SECTION 21.** Section 41-71-7, Mississippi Code of 1972, is amended as follows:

41-71-7. Upon receipt of an application for a license and the license fee, and a determination by the licensing agency that



the application is in compliance with Section 41-7-173 et seq. and in compliance with the provisions of this chapter, such license shall be issued. A license, unless suspended or revoked, shall be renewable annually upon payment by the licensee of a renewal fee of One Thousand Dollars (\$1,000.00) and upon approval by the licensing agency of an annual report, required to be submitted by the licensee, containing such information in such form and at such time as the licensing agency prescribes by rule or regulation. Any increase in the fee charged by the licensing agency under this section shall be in accordance with the provisions of Section 1 of this act. Each license shall be issued only for the home health agency and person or persons or other legal entity or entities named in the application and shall not be transferable or assignable except with the written approval of the licensing agency. Licenses shall be posted in a conspicuous place in the designated business office of the licensee. Each licensee shall designate, in writing, one (1) individual person as the responsible party for the conducting of the business of the home health agency with the licensing agency.

**SECTION 22.** Section 41-75-7, Mississippi Code of 1972, is amended as follows:

41-75-7. An application for a license shall be made to the licensing agency upon forms provided by it and shall contain such information as the licensing agency reasonably requires, which may include affirmative evidence of ability to comply with such

reasonable standards, rules and regulations as are lawfully prescribed hereunder. Each application for a license shall be accompanied by a license fee of Three Thousand Dollars (\$3,000.00), which shall be paid to the licensing agency. Any increase in the fee charged by the licensing agency under this section shall be in accordance with the provisions of Section 1 of this act.

**SECTION 23.** Section 41-75-9, Mississippi Code of 1972, is amended as follows:

41-75-9. Upon receipt of an application for license and the license fee, the licensing agency shall issue a license if the applicant and the institutional facilities meet the requirements established under this chapter and the requirements of Section 41-7-173 et seq. where determined by the licensing agency to be applicable. A license, unless suspended or revoked, shall be renewable annually upon payment of a renewal fee of Three Thousand Dollars (\$3,000.00), which shall be paid to the licensing agency, and upon filing by the licensee and approval by the licensing agency of an annual report upon such uniform dates and containing such information in such form as the licensing agency requires. Any increase in the fee charged by the licensing agency under this section shall be in accordance with the provisions of Section 1 of this act. Each license shall be issued only for the premises and person or persons named in the application and shall not be

transferable or assignable. Licenses shall be posted in a conspicuous place on the licensed premises.

**SECTION 24.** Section 41-77-9, Mississippi Code of 1972, is amended as follows:

41-77-9. An application for a license shall be made to the licensing agency upon forms provided by it and shall contain such information as the licensing agency reasonably requires, which may include affirmative evidence of ability to comply with such reasonable standards, rules and regulations as are lawfully prescribed hereunder. Each application for a license shall be accompanied by a license fee of One Thousand Dollars (\$1,000.00), which shall be paid to the licensing agency. Any increase in the fee charged by the licensing agency under this section shall be in accordance with the provisions of Section 1 of this act.

**SECTION 25.** Section 41-77-25, Mississippi Code of 1972, is amended as follows:

41-77-25. Upon receipt of an application for license and the license fee, the licensing agency shall issue a license if the applicant and the institutional facilities meet the requirements established under this chapter and the requirements of Section 41-7-173 \* \* \* et seq., where determined by the licensing agency to be applicable. A license, unless suspended or revoked, shall be renewable annually upon payment of a renewal fee of Three Hundred Dollars (\$300.00), which shall be paid to the licensing agency, and upon filing by the licensee and approval by the

licensing agency of an annual report upon such uniform dates and containing such information in such form as the licensing agency requires. Any increase in the fee charged by the licensing agency under this section shall be in accordance with the provisions of Section 1 of this act. Each license shall be issued only for the premises and person or persons named in the application and shall not be transferable or assignable. Licenses shall be posted in a conspicuous place on the licensed premises.

**SECTION 26.** Section 41-85-7, Mississippi Code of 1972, is amended as follows:

41-85-7. (1) The administration of this chapter is vested in the Mississippi Department of Health, which shall:

(a) Prepare and furnish all forms necessary under the provisions of this chapter in relation to applications for licensure or renewals thereof;

(b) Collect in advance at the time of filing an application for a license or at the time of renewal of a license a fee of One Thousand Dollars (\$1,000.00) for each site or location of the licensee; any increase in the fee charged by the department under this paragraph shall be in accordance with the provisions of Section 1 of this act;

(c) Levy a fee of Eighteen Dollars (\$18.00) per bed for the review of inpatient hospice care; any increase in the fee charged by the department under this paragraph shall be in accordance with the provisions of Section 1 of this act;

(d) Conduct annual licensure inspections of all licensees which may be the same inspection as the annual Medicare certification inspection; and

(e) Promulgate applicable rules and standards in furtherance of the purpose of this chapter and may amend such rules as may be necessary. The rules shall include, but not be limited to, the following:

(i) The qualifications of professional and ancillary personnel in order to adequately furnish hospice care;

(ii) Standards for the organization and quality of patient care;

(iii) Procedures for maintaining records; and

(iv) Provision for the inpatient component of hospice care and for other professional and ancillary hospice services.

(2) All fees collected by the department under this section shall be used by the department exclusively for the purposes of licensure, regulation, inspection, investigations and discipline of hospices under this chapter.

(3) The State Department of Health shall not process any new applications for hospice licensure or issue any new hospice licenses, except renewals, unless the application for a new hospice license was pending with the department on March 1, 2013. This subsection (3) shall stand repealed on July 1, 2018.

**SECTION 27.** Section 41-125-7, Mississippi Code of 1972, is amended as follows:

41-125-7. (1) Separate licenses are required for PPEC centers maintained on separate premises, even though they are operated under the same management. Separate licenses are not required for separate buildings on the same grounds.

(2) An applicant or licensee shall pay a fee for each license application and annual license renewal under this chapter and applicable rules. The amount of the fee shall be Twenty Dollars (\$20.00) for each licensed bed in the PPEC, with a minimum fee of Five Hundred Dollars (\$500.00) and a maximum fee of Five Thousand Dollars (\$5,000.00). Any increase in the fee charged by the licensing agency under this subsection shall be in accordance with the provisions of Section 1 of this act.

(3) County-operated or municipally operated PPEC centers applying for licensure under this chapter are exempt from the payment of license fees.

**SECTION 28.** Section 43-11-7, Mississippi Code of 1972, is amended as follows:

43-11-7. Any person, as defined in Section 43-11-1, may apply for a license as provided in this section. An application for a license shall be made to the licensing agency upon forms provided by it and shall contain such information as the licensing agency reasonably requires, which may include affirmative evidence of ability to comply with such reasonable standards, rules and

regulations as are lawfully prescribed under this chapter. Each application for a license for an institution for the aged or infirm, except for personal care homes, shall be accompanied by a license fee of Twenty Dollars (\$20.00) for each bed in the institution, with a minimum fee per institution of Two Hundred Dollars (\$200.00), which shall be paid to the licensing agency. Each application for a license for a personal care home shall be accompanied by a license fee of Fifteen Dollars (\$15.00) for each bed in the institution, with a minimum fee per institution of One Hundred Dollars (\$100.00), which shall be paid to the licensing agency.

Any increase in the fee charged by the licensing agency under this section shall be in accordance with the provisions of Section 1 of this act.

No governmental entity or agency shall be required to pay the fee or fees set forth in this section.

**SECTION 29.** Section 43-11-8, Mississippi Code of 1972, is amended as follows:

43-11-8. (1) An application for a license for an adult foster care facility shall be made to the licensing agency upon forms provided by it and shall contain such information as the licensing agency reasonably requires, which may include affirmative evidence of ability to comply with such reasonable standards, rules and regulations as are lawfully prescribed hereunder. Each application for a license for an adult foster

care facility shall be accompanied by a license fee of Ten Dollars (\$10.00) for each person or bed of licensed capacity, with a minimum fee per home or institution of Fifty Dollars (\$50.00), which shall be paid to the licensing agency. Any increase in the fee charged by the licensing agency under this subsection shall be in accordance with the provisions of Section 1 of this act.

(2) A license, unless suspended or revoked, shall be renewable annually upon payment by the licensee of an adult foster care facility, except for personal care homes, of a renewal fee of Ten Dollars (\$10.00) for each person or bed of licensed capacity in the institution, with a minimum renewal fee per institution of Fifty Dollars (\$50.00), which shall be paid to the licensing agency, and upon filing by the licensee and approval by the licensing agency of an annual report upon such uniform dates and containing such information in such form as the licensing agency prescribes by regulation. Any increase in the fee charged by the licensing agency under this subsection shall be in accordance with the provisions of Section 1 of this act. Each license shall be issued only for the premises and person or persons or other legal entity or entities named in the application and shall not be transferable or assignable except with the written approval of the licensing agency. Licenses shall be posted in a conspicuous place on the licensed premises.

**SECTION 30.** Section 43-11-9, Mississippi Code of 1972, is amended as follows:



43-11-9. (1) Upon receipt of an application for license and the license fee, the licensing agency shall issue a license if the applicant and the institutional facilities meet the requirements established under this chapter and the requirements of Section 41-7-173 et seq., where determined by the licensing agency to be applicable. A license, unless suspended or revoked, shall be renewable annually upon payment by (a) the licensee of an institution for the aged or infirm, except for personal care homes, of a renewal fee of Twenty Dollars (\$20.00) for each bed in the institution, with a minimum fee per institution of Two Hundred Dollars (\$200.00), or (b) the licensee of a personal care home of a renewal fee of Fifteen Dollars (\$15.00) for each bed in the institution, with a minimum fee per institution of One Hundred Dollars (\$100.00), which shall be paid to the licensing agency, and upon filing by the licensee and approval by the licensing agency of an annual report upon such uniform dates and containing such information in such form as the licensing agency prescribes by regulation. Any increase in the fee charged by the licensing agency under this subsection shall be in accordance with the provisions of Section 1 of this act. Each license shall be issued only for the premises and person or persons or other legal entity or entities named in the application and shall not be transferable or assignable except with the written approval of the licensing agency. Licenses shall be posted in a conspicuous place on the licensed premises.

(2) A fee known as a "User Fee" shall be applicable and shall be paid to the licensing agency as set out in subsection (1) hereof of this section. Any increase in the fee charged by the licensing agency under this subsection shall be in accordance with the provisions of Section 1 of this act. This user fee shall be assessed for the purpose of the required reviewing and inspections of the proposal of any institution in which there are additions, renovations, modernizations, expansion, alterations, conversions, modifications or replacement of the entire facility involved in such proposal. This fee includes the reviewing of architectural plans in all steps required. There shall be a minimum user fee of Fifty Dollars (\$50.00) and a maximum user fee of Five Thousand Dollars (\$5,000.00).

(3) No governmental entity or agency shall be required to pay the fee or fees set forth in this section.

**SECTION 31.** Section 43-11-13, Mississippi Code of 1972, as amended by Senate Bill No. 2625, 2016 Regular Session, is amended as follows:

43-11-13. (1) The licensing agency shall adopt, amend, promulgate and enforce such rules, regulations and standards, including classifications, with respect to all institutions for the aged or infirm to be licensed under this chapter as may be designed to further the accomplishment of the purpose of this chapter in promoting adequate care of individuals in those institutions in the interest of public health, safety and welfare.

Those rules, regulations and standards shall be adopted and promulgated by the licensing agency and shall be recorded and indexed in a book to be maintained by the licensing agency in its main office in the State of Mississippi, entitled "Rules, Regulations and Minimum Standards for Institutions for the Aged or Infirm" and the book shall be open and available to all institutions for the aged or infirm and the public generally at all reasonable times. Upon the adoption of those rules, regulations and standards, the licensing agency shall mail copies thereof to all those institutions in the state that have filed with the agency their names and addresses for this purpose, but the failure to mail the same or the failure of the institutions to receive the same shall in no way affect the validity thereof. The rules, regulations and standards may be amended by the licensing agency, from time to time, as necessary to promote the health, safety and welfare of persons living in those institutions.

(2) The licensee shall keep posted in a conspicuous place on the licensed premises all current rules, regulations and minimum standards applicable to fire protection measures as adopted by the licensing agency. The licensee shall furnish to the licensing agency at least once each six (6) months a certificate of approval and inspection by state or local fire authorities. Failure to comply with state laws and/or municipal ordinances and current rules, regulations and minimum standards as adopted by the

licensing agency, relative to fire prevention measures, shall be prima facie evidence for revocation of license.

(3) The State Board of Health shall promulgate rules and regulations restricting the storage, quantity and classes of drugs allowed in personal care homes and adult foster care facilities. Residents requiring administration of Schedule II Narcotics as defined in the Uniform Controlled Substances Law may be admitted to a personal care home. Schedule drugs may only be allowed in a personal care home if they are administered or stored utilizing proper procedures under the direct supervision of a licensed physician or nurse.

(4) (a) Notwithstanding any determination by the licensing agency that skilled nursing services would be appropriate for a resident of a personal care home, that resident, the resident's guardian or the legally recognized responsible party for the resident may consent in writing for the resident to continue to reside in the personal care home, if approved in writing by a licensed physician. However, no personal care home shall allow more than two (2) residents, or ten percent (10%) of the total number of residents in the facility, whichever is greater, to remain in the personal care home under the provisions of this subsection (4). This consent shall be deemed to be appropriately informed consent as described in the regulations promulgated by the licensing agency. After that written consent has been obtained, the resident shall have the right to continue to reside

in the personal care home for as long as the resident meets the other conditions for residing in the personal care home. A copy of the written consent and the physician's approval shall be forwarded by the personal care home to the licensing agency.

(b) The State Board of Health shall promulgate rules and regulations restricting the handling of a resident's personal deposits by the director of a personal care home. Any funds given or provided for the purpose of supplying extra comforts, conveniences or services to any resident in any personal care home, and any funds otherwise received and held from, for or on behalf of any such resident, shall be deposited by the director or other proper officer of the personal care home to the credit of that resident in an account that shall be known as the Resident's Personal Deposit Fund. No more than one (1) month's charge for the care, support, maintenance and medical attention of the resident shall be applied from the account at any one time. After the death, discharge or transfer of any resident for whose benefit any such fund has been provided, any unexpended balance remaining in his personal deposit fund shall be applied for the payment of care, cost of support, maintenance and medical attention that is accrued. If any unexpended balance remains in that resident's personal deposit fund after complete reimbursement has been made for payment of care, support, maintenance and medical attention, and the director or other proper officer of the personal care home has been or shall be unable to locate the person or persons

entitled to the unexpended balance, the director or other proper officer may, after the lapse of one (1) year from the date of that death, discharge or transfer, deposit the unexpended balance to the credit of the personal care home's operating fund.

(c) The State Board of Health shall promulgate rules and regulations requiring personal care homes to maintain records relating to health condition, medicine dispensed and administered, and any reaction to that medicine. The director of the personal care home shall be responsible for explaining the availability of those records to the family of the resident at any time upon reasonable request.

(d) This subsection (4) shall stand repealed on July 1, 2017.

(5) (a) For the purposes of this subsection (5):

(i) "Licensed entity" means a hospital, nursing home, personal care home, home health agency, hospice or adult foster care facility;

(ii) "Covered entity" means a licensed entity or a health care professional staffing agency;

(iii) "Employee" means any individual employed by a covered entity, and also includes any individual who by contract provides to the patients, residents or clients being served by the covered entity direct, hands-on, medical patient care in a patient's, resident's or client's room or in treatment or recovery rooms. The term "employee" does not include health care

professional/vocational technical students performing clinical training in a licensed entity under contracts between their schools and the licensed entity, and does not include students at high schools located in Mississippi who observe the treatment and care of patients in a licensed entity as part of the requirements of an allied-health course taught in the high school, if:

1. The student is under the supervision of a licensed health care provider; and

2. The student has signed an affidavit that is on file at the student's school stating that he or she has not been convicted of or pleaded guilty or nolo contendere to a felony listed in paragraph (d) of this subsection (5), or that any such conviction or plea was reversed on appeal or a pardon was granted for the conviction or plea. Before any student may sign such an affidavit, the student's school shall provide information to the student explaining what a felony is and the nature of the felonies listed in paragraph (d) of this subsection (5).

However, the health care professional/vocational technical academic program in which the student is enrolled may require the student to obtain criminal history record checks. In such incidences, paragraph (a)(iii)1 and 2 of this subsection (5) does not preclude the licensing entity from processing submitted fingerprints of students from healthcare-related professional/vocational technical programs who, as part of their

program of study, conduct observations and provide clinical care and services in a covered entity.

(b) Under regulations promulgated by the State Board of Health, the licensing agency shall require to be performed a criminal history record check on (i) every new employee of a covered entity who provides direct patient care or services and who is employed on or after July 1, 2003, and (ii) every employee of a covered entity employed before July 1, 2003, who has a documented disciplinary action by his or her present employer. In addition, the licensing agency shall require the covered entity to perform a disciplinary check with the professional licensing agency of each employee, if any, to determine if any disciplinary action has been taken against the employee by that agency.

Except as otherwise provided in paragraph (c) of this subsection (5), no such employee hired on or after July 1, 2003, shall be permitted to provide direct patient care until the results of the criminal history record check have revealed no disqualifying record or the employee has been granted a waiver. In order to determine the employee applicant's suitability for employment, the applicant shall be fingerprinted. Fingerprints shall be submitted to the licensing agency from scanning, with the results processed through the Department of Public Safety's Criminal Information Center. The fingerprints shall then be forwarded by the Department of Public Safety to the Federal Bureau of Investigation for a national criminal history record check.



The licensing agency shall notify the covered entity of the results of an employee applicant's criminal history record check. If the criminal history record check discloses a felony conviction, guilty plea or plea of nolo contendere to a felony of possession or sale of drugs, murder, manslaughter, armed robbery, rape, sexual battery, sex offense listed in Section 45-33-23(h), child abuse, arson, grand larceny, burglary, gratification of lust or aggravated assault, or felonious abuse and/or battery of a vulnerable adult that has not been reversed on appeal or for which a pardon has not been granted, the employee applicant shall not be eligible to be employed by the covered entity.

(c) Any such new employee applicant may, however, be employed on a temporary basis pending the results of the criminal history record check, but any employment contract with the new employee shall be voidable if the new employee receives a disqualifying criminal history record check and no waiver is granted as provided in this subsection (5).

(d) Under regulations promulgated by the State Board of Health, the licensing agency shall require every employee of a covered entity employed before July 1, 2003, to sign an affidavit stating that he or she has not been convicted of or pleaded guilty or nolo contendere to a felony of possession or sale of drugs, murder, manslaughter, armed robbery, rape, sexual battery, any sex offense listed in Section 45-33-23(h), child abuse, arson, grand larceny, burglary, gratification of lust, aggravated assault, or

felonious abuse and/or battery of a vulnerable adult, or that any such conviction or plea was reversed on appeal or a pardon was granted for the conviction or plea. No such employee of a covered entity hired before July 1, 2003, shall be permitted to provide direct patient care until the employee has signed the affidavit required by this paragraph (d). All such existing employees of covered entities must sign the affidavit required by this paragraph (d) within six (6) months of the final adoption of the regulations promulgated by the State Board of Health. If a person signs the affidavit required by this paragraph (d), and it is later determined that the person actually had been convicted of or pleaded guilty or nolo contendere to any of the offenses listed in this paragraph (d) and the conviction or plea has not been reversed on appeal or a pardon has not been granted for the conviction or plea, the person is guilty of perjury. If the offense that the person was convicted of or pleaded guilty or nolo contendere to was a violent offense, the person, upon a conviction of perjury under this paragraph, shall be punished as provided in Section 97-9-61. If the offense that the person was convicted of or pleaded guilty or nolo contendere to was a nonviolent offense, the person, upon a conviction of perjury under this paragraph, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.

(e) The covered entity may, in its discretion, allow any employee who is unable to sign the affidavit required by paragraph (d) of this subsection (5) or any employee applicant aggrieved by an employment decision under this subsection (5) to appear before the covered entity's hiring officer, or his or her designee, to show mitigating circumstances that may exist and allow the employee or employee applicant to be employed by the covered entity. The covered entity, upon report and recommendation of the hiring officer, may grant waivers for those mitigating circumstances, which shall include, but not be limited to: (i) age at which the crime was committed; (ii) circumstances surrounding the crime; (iii) length of time since the conviction and criminal history since the conviction; (iv) work history; (v) current employment and character references; and (vi) other evidence demonstrating the ability of the individual to perform the employment responsibilities competently and that the individual does not pose a threat to the health or safety of the patients of the covered entity.

(f) The licensing agency may charge the covered entity submitting the fingerprints a fee not to exceed Fifty Dollars (\$50.00), which covered entity may, in its discretion, charge the same fee, or a portion thereof, to the employee applicant. Any increase in the fee charged by the licensing agency under this paragraph shall be in accordance with the provisions of Section 1 of this act. Any costs incurred by a covered entity implementing

this subsection (5) shall be reimbursed as an allowable cost under Section 43-13-116.

(g) If the results of an employee applicant's criminal history record check reveals no disqualifying event, then the covered entity shall, within two (2) weeks of the notification of no disqualifying event, provide the employee applicant with a notarized letter signed by the chief executive officer of the covered entity, or his or her authorized designee, confirming the employee applicant's suitability for employment based on his or her criminal history record check. An employee applicant may use that letter for a period of two (2) years from the date of the letter to seek employment with any covered entity without the necessity of an additional criminal history record check. Any covered entity presented with the letter may rely on the letter with respect to an employee applicant's criminal background and is not required for a period of two (2) years from the date of the letter to conduct or have conducted a criminal history record check as required in this subsection (5).

(h) The licensing agency, the covered entity, and their agents, officers, employees, attorneys and representatives, shall be presumed to be acting in good faith for any employment decision or action taken under this subsection (5). The presumption of good faith may be overcome by a preponderance of the evidence in any civil action. No licensing agency, covered entity, nor their agents, officers, employees, attorneys and representatives shall

be held liable in any employment decision or action based in whole or in part on compliance with or attempts to comply with the requirements of this subsection (5).

(i) The licensing agency shall promulgate regulations to implement this subsection (5).

(j) The provisions of this subsection (5) shall not apply to:

(i) Applicants and employees of the University of Mississippi Medical Center for whom criminal history record checks and fingerprinting are obtained in accordance with Section 37-115-41; or

(ii) Health care professional/vocational technical students for whom criminal history record checks and fingerprinting are obtained in accordance with Section 37-29-232.

(6) The State Board of Health shall promulgate rules, regulations and standards regarding the operation of adult foster care facilities.

**SECTION 32.** Section 43-16-25, Mississippi Code of 1972, is amended as follows:

43-16-25. A license issued under the provisions of this chapter shall be renewed annually upon payment of a renewal fee not to exceed One Hundred Dollars (\$100.00), and upon filing by the licensee of an annual report upon such uniform dates and upon forms provided by the licensing agency, accompanied by a current

certificate of inspection and approval by the fire department and the county health department specified in Section 43-16-11.

Any increase in the fee charged by the board under this section shall be in accordance with the provisions of Section 1 of this act.

No governmental entity or agency shall be required to pay the fee or fees set forth in this section.

**SECTION 33.** Section 43-20-8, Mississippi Code of 1972, is amended as follows:

43-20-8. (1) The licensing agency shall have powers and duties as set forth below, in addition to other duties prescribed under this chapter:

(a) Promulgate rules and regulations concerning the licensing and regulation of child care facilities as defined in Section 43-20-5;

(b) Have the authority to issue, deny, suspend, revoke, restrict or otherwise take disciplinary action against licensees as provided for in this chapter;

(c) Set and collect fees and penalties as provided for in this chapter; any increase in the fees charged by the licensing agency under this paragraph shall be in accordance with the provisions of Section 1 of this act; and

(d) Have such other powers as may be required to carry out the provisions of this chapter.

(2) Child care facilities shall assure that parents have welcome access to the child care facility at all times and shall comply with the provisions of Chapter 520, Laws of 2006.

(3) Each child care facility shall develop and maintain a current list of contact persons for each child provided care by that facility. An agreement may be made between the child care facility and the child's parent, guardian or contact person at the time of registration to inform the parent, guardian or contact person if the child does not arrive at the facility within a reasonable time.

(4) Child care facilities shall require that, for any current or prospective caregiver, all criminal records, background and sex offender registry checks and current child abuse registry checks are obtained. In order to determine the applicant's suitability for employment, the applicant shall be fingerprinted. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the FBI for a national criminal history record check.

(5) The licensing agency shall require to be performed a criminal records background check and a child abuse registry check for all operators of a child care facility and any person living in a residence used for child care. The Department of Human Services shall have the authority to disclose to the State Department of Health any potential applicant whose name is listed on the Child Abuse Central Registry or has a pending

administrative review. That information shall remain confidential by all parties. In order to determine the applicant's suitability for employment, the applicant shall be fingerprinted. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the FBI for a national criminal history record check.

(6) The licensing agency shall have the authority to exclude a particular crime or crimes or a substantiated finding of child abuse and/or neglect as disqualifying individuals or entities for prospective or current employment or licensure.

(7) The licensing agency and its agents, officers, employees, attorneys and representatives shall not be held civilly liable for any findings, recommendations or actions taken under this section.

(8) All fees incurred in compliance with this section shall be borne by the child care facility. The licensing agency is authorized to charge a fee that includes the amount required by the Federal Bureau of Investigation for the national criminal history record check in compliance with the Child Protection Act of 1993, as amended, and any necessary costs incurred by the licensing agency for the handling and administration of the criminal history background checks.

(9) From and after January 1, 2008, the State Board of Health shall develop regulations to ensure that all children enrolled or enrolling in a state licensed child care center



receive age-appropriate immunization against invasive pneumococcal disease as recommended by the Advisory Committee on immunization practices of the Centers for Disease Control and Prevention. The State Board of Health shall include, within its regulations, protocols for children under the age of twenty-four (24) months to catch up on missed doses. If the State Board of Health has adopted regulations before January 1, 2008, that would otherwise meet the requirements of this subsection, then this subsection shall stand repealed on January 1, 2008.

**SECTION 34.** Section 43-20-11, Mississippi Code of 1972, is amended as follows:

43-20-11. An application for a license under this chapter shall be made to the licensing agency upon forms provided by it, and shall contain such information as the licensing agency may reasonably require. Each application for a license shall be accompanied by a license fee not to exceed Four Hundred Dollars (\$400.00), which shall be paid to the licensing agency. Any increase in the fee charged by the licensing agency under this section shall be in accordance with the provisions of Section 1 of this act. Licenses shall be granted to applicants upon the filing of properly completed application forms, accompanied by payment of the \* \* \* license fee, and a certificate of inspection and approval by the fire department of the municipality or other political subdivision in which the facility is located, and by a certificate of inspection and approval by the health department of

the county in which the facility is located, and approval by the licensing agency; except that if no fire department exists where the facility is located, the State Fire Marshal shall certify as to the inspection for safety from fire hazards. \* \* \* The fire, county health department and licensing agency inspections and approvals shall be based upon regulations promulgated by the licensing agency as approved by the State Board of Health.

Each license shall be issued only for the premises and person or persons named in the application and shall not be transferable or assignable except with the written approval of the licensing agency. Licenses shall be posted in a conspicuous place on the licensed premises.

No governmental entity or agency shall be required to pay the fee or fees set forth in this section.

**SECTION 35.** Section 43-20-13, Mississippi Code of 1972, is amended as follows:

43-20-13. A license issued under the provisions of this chapter shall be renewed upon payment of a renewal fee not to exceed Four Hundred Dollars (\$400.00) per year, and upon filing by the licensee of a report upon such uniform dates and upon forms provided by the licensing agency, accompanied by a current certificate of inspection and approval by the fire department and the county health department specified in Section 43-20-11.

Any increase in the fee charged by the licensing agency under this section shall be in accordance with the provisions of Section 1 of this act.

No governmental entity or agency shall be required to pay the fee or fees set forth in this section.

**SECTION 36.** Section 43-20-59, Mississippi Code of 1972, is amended as follows:

43-20-59. (1) Any person maintaining a family child care home may register such home with the State Department of Health on forms provided by the department.

(2) A certificate of registration shall be issued to the applicant for registration who (a) attests to the safety of the home for the care of children, (b) submits a fee of Five Dollars (\$5.00), payable to the department, and (c) certifies that no person described in \* \* \* paragraph (a), (b), (c), (d) or (e) of Section 43-20-57(1) resides, works or volunteers in the family child care home.

Any increase in the fee charged by the department under this subsection shall be in accordance with the provisions of Section 1 of this act.

(3) The department shall furnish each applicant for registration a family child care home safety evaluation form to be completed by the applicant and submitted with the registration application.

(4) The certificate of registration shall be renewed annually in the same manner provided for in this section.

(5) A certificate of registration shall be in force for one (1) year after the date of issuance unless revoked pursuant to Sections 43-20-51 through 43-20-65. The certificate shall specify that the registrant may operate a family child care home for five (5) or fewer children. This section shall not be construed to limit the right of the department to enter a registered family child care home for the purpose of assessing compliance with Sections 43-20-51 through 43-20-65 after receiving a complaint against the registrant of such home or in conducting a periodic routine inspection.

(6) The department shall adopt rules and regulations to implement the registration provisions.

**SECTION 37.** Section 45-14-31, Mississippi Code of 1972, is amended as follows:

45-14-31. (1) All initial application and registration fees and annual fees due under this section shall be paid directly to the agency for deposit into the Radiological Health Operations Fund in the State Treasury. The Mississippi State Board of Health shall submit its separate budget for carrying out the provisions of this chapter. The budget shall be subject to and shall comply with the requirements of the state budget law.

(2) In order to supplement state radiological health budget allocations authorized to carry out and enforce the provisions of

this chapter, the agency is authorized to charge and collect fees

\* \* \* for the following radiological health services:

(a) Radiological health services - Category 1:  
application fee and annual fee not to exceed..... \$3,500.00

(b) Radiological health services - Category 2:  
application fee and annual fee not to exceed..... \$1,800.00

(c) Radiological health services - Category 3:  
application fee and annual fee not to exceed..... \$1,800.00

(d) Healing arts and veterinary medicine X-ray tubes:  
application fee and annual fee not to exceed..... \$150.00

The radiological health services that are included in each specified category shall be determined by the agency by rules and regulations adopted by the agency.

The agency may increase the amount of the fees charged under this subsection not more than two (2) times during the period from July 1, 2016, through June 30, 2020, with the percentage of each increase being not more than five percent (5%) of the amount of the fee in effect at the time of the increase.

(3) The agency shall set the amount of the fees for all other radiological health services not specified in subsection (2) of this section, and any increase in the fees charged by the agency under this subsection shall be in accordance with the provisions of Section 1 of this act.

\* \* \*

**SECTION 38.** Section 45-23-23, Mississippi Code of 1972, is amended as follows:

45-23-23. (1) The examination for chief, deputy or special inspector shall be in writing and shall be by the merit system of the board under the rules of procedure during the examination. Application for examination shall be in writing on forms provided by the board and shall be accompanied by a fee of Twenty-five Dollars (\$25.00). Any increase in the fee charged by the board under this subsection shall be in accordance with the provisions of Section 1 of this act. Such examination shall be confined to questions, the answers to which will aid in determining the fitness and competency of the applicant for the intended service.

(2) In case an applicant for an inspector's license fails to pass the examination, he may appeal to the merit system of the board for another examination which shall be given by the board within ninety (90) days.

(3) The record of an applicant's examination shall be accessible to \* \* \* the applicant and his employer.

**SECTION 39.** Section 45-23-41, Mississippi Code of 1972, is amended as follows:

45-23-41. Each company employing special inspectors, except a company operating boilers and/or pressure vessels covered by owner or user inspection service meeting the requirements of Section 45-23-21(b) shall, within thirty (30) days following each certificate inspection made by such inspectors, file a report of

such inspection with the chief inspector upon appropriate forms as promulgated by the board. If such report shows that a boiler or pressure vessel is found to comply with the rules and regulations of the board, the owner or user thereof shall pay directly to the board the fee of Twenty Dollars (\$20.00) for an annual certificate or Thirty Dollars (\$30.00) for a biennial certificate, and the chief inspector or his duly authorized representative shall issue to such owner or user an inspection certificate bearing the date of inspection and specifying the maximum pressure under which the boiler or pressure vessel may be operated. Any increase in the fee charged by the board under this section shall be in accordance with the provisions of Section 1 of this act.

Such inspection certificate shall be valid for not more than fourteen (14) months from its date in the case of power boilers and high pressure, high temperature water boilers, and for not more than twenty-six (26) months in the case of heating boilers and pressure vessels.

In the case of those boilers and pressure vessels covered by Section 45-23-33(a), (b), (c) and (d) for which the board has established or extended the operating period between required inspections, pursuant to the provisions of Section 45-23-33(g) or (h), the certificate shall be valid for a period not more than two (2) months beyond the period set by the board.

Certificates shall be posted under glass in the room containing the boiler or pressure vessel inspected. If the boiler

or pressure vessel is not located within the building, the certificate shall be posted in a location convenient to the boiler or pressure vessel inspected, or in any place where it will be accessible to interested parties.

Air tanks used to inflate automobile tires shall be exempt from the inspection requirements of this section.

**SECTION 40.** Section 45-23-45, Mississippi Code of 1972, is amended as follows:

45-23-45. Each such company shall, in addition, file annually with the board a statement, signed by the engineer having supervision over the inspections made during the period covered thereby, stating the number of vessels covered by this chapter inspected during the year and certifying that each such inspection was conducted pursuant to the inspection requirements provided for by this chapter. Such annual statement shall be accompanied by a filing fee in accordance with the following schedule:

(a) For statements covering not more than twenty-five (25) vessels - Three Dollars (\$3.00) per vessel.

(b) For statements covering more than twenty-five (25) but less than one hundred one (101) vessels - Seventy-five Dollars (\$75.00).

(c) For statements covering more than one hundred (100) but less than five hundred one (501) vessels - One Hundred Fifty Dollars (\$150.00).



(d) For statements covering more than five hundred (500) vessels - Three Hundred Dollars (\$300.00).

Any increase in the fee charged by the board under this section shall be in accordance with the provisions of Section 1 of this act.

**SECTION 41.** Section 45-23-53, Mississippi Code of 1972, is amended as follows:

45-23-53. The owner or user of a boiler or pressure vessel required by this chapter to be inspected by the chief inspector, of his deputy inspector, shall pay directly to the board, upon completion of inspection, fees as specified by the board in the rules and regulations.

(a) Fee schedules set by the board shall be reasonable and practical, but shall be set at a level which, in conjunction with the fees collected under Sections 45-23-41 through 45-23-45, will make this activity reasonably self-supporting. Any increase in the fees set by the board under this paragraph shall be in accordance with the provisions of Section 1 of this act.

(b) A group of pressure vessels, such as the rolls of a paper machine or dryer operating as a single machine or unit, shall be considered as one (1) pressure vessel.

(c) Not more than one (1) fee shall be charged or collected for any and all inspections of any pressure vessel in any required inspection period.

(d) When it is necessary to make a special trip to witness the application of a hydrostatic test, an additional fee based on the scale of fees applicable to a certificate inspection of the boiler or pressure vessel shall be charged.

**SECTION 42.** Section 73-7-71, Mississippi Code of 1972, is amended as follows:

73-7-71. (1) For the purpose of this section, the term "hair braiding" means the use of techniques that result in tension on hair strands or roots by twisting, wrapping, weaving, extending, locking or braiding of the hair by hand or mechanical device, but does not include the application of dyes, reactive chemicals, or other preparations to alter the color of the hair or to straighten, curl or alter the structure of the hair.

(2) No person shall engage in hair braiding for compensation in the State of Mississippi without first registering with the State Department of Health. The department may charge each registrant a fee of not more than Twenty-five Dollars (\$25.00) to cover the department's costs in registering the person and providing the person with the brochure prepared under subsection

(3) of this section, which fee shall be uniform for all registrants. Any increase in the fee charged by the board under this subsection shall be in accordance with the provisions of Section 1 of this act. The purpose of this registration is only to maintain a listing of those persons who engage in hair braiding for compensation in the state, and does not authorize the

department to license or regulate the practice of hair braiding in the state, except as provided in subsection (4) of this section.

(3) The State Department of Health shall develop and prepare a brochure containing information about infection control techniques that are appropriate for hair braiding in or outside of a salon setting. The brochure shall be made available through the department's website or by mail, upon request, for a fee to cover the department's mailing costs. The brochure shall contain a self-test with questions on the information contained in the brochure. For a person engaged in hair braiding to be exempt from the cosmetology licensure law, Section 73-7-1 et seq., the person shall complete the self-test part of the brochure and keep the brochure and completed self-test available at the location at which the person is engaged in hair braiding.

(4) Representatives of the department may visit any facility or premises in which hair braiding is performed at any time during business hours to determine if the brochure and completed self-test are available at the facility or premises.

(5) This section does not apply to cosmetologists, or barbers licensed to practice in Mississippi in their respective fields.

**SECTION 43.** Section 73-10-9, Mississippi Code of 1972, is amended as follows:

73-10-9. (1) An applicant for a license as a dietitian shall file a written application on forms provided by the board,

showing to the satisfaction of the board that he or she meets the following requirement.

(2) Applicants shall provide evidence of current registration as a registered dietitian by the Commission on Dietetic Registration.

(3) Applicants shall pay a fee as established by the board. Any increase in the fee charged by the board under this subsection shall be in accordance with the provisions of Section 1 of this act.

(4) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64 \* \* \*.

**SECTION 44.** Section 73-10-11, Mississippi Code of 1972, is amended as follows:

73-10-11. (1) The board may issue a provisional license to any resident dietitian who presents evidence to the advisory council of the successful completion of the education and experience requirements of subsections (2) and (3) of this section for licensure. Such a provisional license may be issued to such a person before he or she has taken the examination to become a registered dietitian as given by the Commission on Dietetic Registration (CDR). A provisional license may be issued for a period not exceeding one (1) year and may be renewed from year to year not to exceed five (5) years.

(2) An applicant for provisional licensure as a dietitian shall present evidence satisfactory to the board of having received a baccalaureate or post-baccalaureate degree from a college or university accredited through the United States Department of Education, Office of Postsecondary Education, with a major in dietetics or an equivalent major course of study as approved by the board.

(3) An applicant for licensure as a dietitian shall submit to the board evidence of having successfully completed a board approved planned program of dietetics experience under the supervision of a licensed or registered dietitian.

(4) A provisional license shall permit the holder to practice only under the direct technical supervision of a dietitian.

(5) A fee for a provisional license and for each renewal shall be established by the board. Any increase in the fee charged by the board under this subsection shall be in accordance with the provisions of Section 1 of this act.

**SECTION 45.** Section 73-10-21, Mississippi Code of 1972, is amended as follows:

73-10-21. (1) Rules, regulations and standards.

(a) The board is \* \* \* empowered, authorized and directed to adopt, amend, promulgate and enforce such rules, regulations and standards governing dietitians as may be necessary to further the accomplishment of the purpose of the governing law,

and in so doing shall utilize as the basis thereof the corresponding recommendations of the advisory council. The rules, regulations and minimum standards for licensing of dietitians may be amended by the board as deemed necessary. In so doing, the board shall utilize as the basis thereof the corresponding recommendations of the advisory council.

(b) The board shall publish and disseminate to all licensees, in appropriate manner, the licensure standards prescribed by this chapter, any amendments thereto, and such rules and regulations as the board may adopt under the authority vested by Section 73-38-13, within sixty (60) days of their adoption.

(2) The board shall adopt a code of ethics for dietitians using as the basis thereof the ADA "Code of Ethics for the Profession of Dietetics."

(3) Issuance and renewal of licenses.

(a) The board shall issue a license to any person who meets the requirements of this chapter upon payment of the license fee prescribed.

(b) Except as provided in Section 33-1-39, licenses under this chapter shall be valid for two (2) calendar years and shall be subject to renewal and shall expire unless renewed in the manner prescribed by the rules and regulations of the board, upon the payment of a biennial renewal fee to be set at the discretion of the board, but not to exceed One Hundred Dollars (\$100.00), and the presentation of evidence satisfactory to the board that the

licensee has met such continuing education requirements as the board may require. Any increase in the fee charged by the board under this paragraph shall be in accordance with the provisions of Section 1 of this act. An applicant for license renewal shall demonstrate to the board evidence of satisfactory completion of the continuing education requirements established by the American Dietetic Association and/or other continuing education requirements as may be required by the board.

(c) The board may provide for the late renewal of a license upon the payment of a late fee in accordance with its rules and regulations, but no such late renewal of a license may be granted more than one (1) year after its expiration. Any increase in the fee charged by the board under this paragraph shall be in accordance with the provisions of Section 1 of this act.

(d) A suspended license shall be subject to expiration and may be renewed as provided in this section, but such renewal shall not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity, or in any other conduct or activity in violation of the order of judgment by which the license was suspended. If a license revoked on disciplinary grounds is reinstated, the licensee, as a condition of reinstatement, shall pay the renewal fee and any late fee that may be applicable.

(4) Denial or revocation of license.

(a) The board may deny or refuse to renew a license, or suspend or revoke a license, or issue orders to cease or desist from certain conduct, or issue warnings or reprimands where the licensee or applicant for license has been convicted of unlawful conduct or has demonstrated unprofessional conduct which has endangered or is likely to endanger the health, welfare or safety of the public. Such conduct includes:

(i) Obtaining a license by means of fraud, misrepresentation or concealment of material facts;

(ii) Being guilty of unprofessional conduct as defined by the rules and established by the board or violating the Code of Ethics of the American Dietetic Association;

(iii) Being convicted of a crime in any court other than a misdemeanor;

(iv) Violating any lawful order, rule or regulation rendered or adopted by the board; or

(v) Violating any provision of this chapter.

(b) Such denial, refusal to renew, suspension, revocation, order to cease and desist from designated conduct, or warning or reprimand may be ordered by the board in a decision made after a hearing in the manner provided by the rules and regulations adopted by the board. One (1) year from the date of the revocation of a license, application may be made to the board for reinstatement. The board shall have discretion to accept or



reject an application for reinstatement and may, but shall not be required to, hold a hearing to consider such reinstatement.

(c) In addition to the reasons specified in paragraph (a) of this subsection (4), the board shall be authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

(5) Establish fees.

(a) A person licensed under this chapter shall pay to the board a fee, not to exceed One Hundred Dollars (\$100.00), to be set by the board for the issuance of a license.

(b) Such fees shall be set in such an amount as to reimburse the state to the extent feasible for the cost of the services rendered.

(c) Any increase in the fee charged by the board under this subsection shall be in accordance with the provisions of Section 1 of this act.

(6) Collect funds.

(a) The administration of the provisions of this chapter shall be financed from income accruing from fees, licenses and other charges assessed and collected by the board in administering this chapter.

(b) The board shall receive and account for all funds received and shall keep such funds in a separate fund.

(c) Funds collected under the provisions of this chapter shall be used solely for the expenses of the advisory council and the board to administer the provisions of this chapter. Such funds shall be subject to audit by the State Auditor.

(d) Members of the advisory council shall receive no compensation for services performed on the council, but may be reimbursed for necessary and actual expenses incurred in connection with attendance at meetings of the council or for authorized business of the council from funds made available for such purpose, as provided in Section 25-3-41.

(7) Receive and process complaints.

(a) The board shall have full authority to investigate and evaluate each and every applicant applying for a license to practice dietetics, with the advice of the advisory council.

(b) The board shall have the authority to issue subpoenas, examine witnesses and administer oaths, and shall, at its discretion, investigate allegations or practices violating the

provisions of this chapter, and in so doing shall have power to seek injunctive relief to prohibit any person from providing professional dietetic services as defined in Section 73-10-3(1)(j) without being licensed as provided herein.

(8) A license certificate issued by the board is the property of the board and must be surrendered on demand.

**SECTION 46.** Section 73-14-17, Mississippi Code of 1972, is amended as follows:

73-14-17. An applicant for a license shall pay a fee of One Hundred Dollars (\$100.00) and shall show to the satisfaction of the board that he:

(a) Is twenty-one (21) years of age or older.

(b) Has an education equivalent to a four-year course in an accredited high school.

Any increase in the fee charged by the board under this section shall be in accordance with the provisions of Section 1 of this act.

No governmental entity or agency shall be required to pay the fee or fees set forth in this section.

Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64 \* \* \*.

**SECTION 47.** Section 73-14-19, Mississippi Code of 1972, is amended as follows:

73-14-19. An applicant for a license who is notified by the board that he has fulfilled the requirements of Section 73-14-17 and upon paying a testing fee determined by the department as necessary to cover the expense of the administration of the examination not to exceed One Hundred Fifty Dollars (\$150.00), shall appear at a time, place and before such persons as the board may designate, to be examined by written and practical test in order to demonstrate that he is qualified to practice the fitting, dispensing and selling of hearing aids. Any increase in the fee charged by the department under this section shall be in accordance with the provisions of Section 1 of this act.

**SECTION 48.** Section 73-14-27, Mississippi Code of 1972, is amended as follows:

73-14-27. (1) An applicant who fulfills the requirements of Section 73-14-17 and who has not previously applied to take the examination provided under Section 73-14-19 may apply to the board for a temporary license.

(2) Upon receiving an application provided under subsection (1) of this section, the board shall issue a temporary license which shall entitle the applicant to practice the fitting and dispensing of hearing aids for a period ending thirty (30) days after the conclusion of the next examination given after the date of issue.

(3) No temporary license shall be issued by the board under this section unless the applicant shows to the satisfaction of the

board that he is or will be supervised and trained by a person who:

(a) Holds a current and valid document of being National Board Certified in Hearing Instrument Sciences by the International Hearing Society (IHS) or its successor; or

(b) Holds a current and valid Certificate of Clinical Competence in Audiology from the American Speech-Language-Hearing Association (ASHA); or

(c) Has had a minimum of three (3) years' experience in the testing of hearing, fitting of hearing aids and dispensing of hearing aids.

(4) If a person who holds a temporary license issued under this section does not take the next examination given after the date of issue, the temporary license shall not be renewed, except for good cause shown to the satisfaction of the board.

(5) If a person who holds a temporary license issued under this section takes and fails to pass the next examination given after the date of issue, the board may renew the temporary license for a period ending thirty (30) days after the date of renewal is announced. In no event shall more than one (1) renewal be permitted. The fee for renewal shall be Fifty Dollars (\$50.00), and any increase in the fee charged by the board under this subsection shall be in accordance with the provisions of Section 1 of this act.

**SECTION 49.** Section 73-14-31, Mississippi Code of 1972, is amended as follows:

73-14-31. Except as provided in Section 33-1-39, a person who practices the fitting and dispensing of hearing aids shall biennially pay to the board a fee of Two Hundred Dollars (\$200.00) for a renewal of his license. A grace period of thirty (30) days shall be allowed after the expiration of a license, during which the same may be renewed on payment of a fee of Two Hundred Dollars (\$200.00) to the board. The license of any person who fails to have his license renewed by the expiration of the grace period of thirty (30) days shall be considered to have lapsed. After the expiration of the grace period, the board may reinstate a license upon payment of a fee of Two Hundred Fifty Dollars (\$250.00) to the board. No person who applies for reinstatement, whose license was suspended for the sole reason of failure to renew, shall be required to submit to any examination as a condition of reinstatement, provided such person applies for reinstatement within one (1) year from the date of lapse of the license.

The board shall require the applicant for license renewal to present evidence of the satisfactory completion of continuing education requirements as determined by the board.

In the event that any licensee shall fail to meet the annual educational requirement, his license shall not be renewed by the board, but the board may renew the license upon the presentation of satisfactory evidence of educational study of a standard

approved by the board and upon the payment of all fees due. No governmental entity or agency shall be required to pay the fee or fees set forth in this section.

Any increase in the fees charged by the board under this section shall be in accordance with the provisions of Section 1 of this act.

**SECTION 50.** Section 73-24-29, Mississippi Code of 1972, is amended as follows:

73-24-29. (1) The board is empowered to prescribe and publish reasonable fees for the following purposes:

- (a) Application fee which is nonrefundable;
- (b) Initial license fee;
- (c) Renewal of license fee;
- (d) Late renewal fee;
- (e) Limited permit fee;
- (f) Reinstatement of license fee;
- (g) Inactive license fee.

(2) Such fees shall be commensurate to the extent feasible with the cost of fulfilling the duties of the board and council as defined by this chapter; however, no individual fee shall exceed One Hundred Fifty Dollars (\$150.00).

(3) Any increase in the fees charged by the board under this section shall be in accordance with the provisions of Section 1 of this act.

**SECTION 51.** Section 73-38-31, Mississippi Code of 1972, is amended as follows:

73-38-31. (1) The board shall assess fees for the following purposes:

- (a) Initial licensing;
- (b) Renewal of licensure;
- (c) License issued after expiration date;
- (d) Late renewal payment penalty;
- (e) Temporary license;
- (f) Renewal of temporary license; and
- (g) Registration of aides.

(2) Every person to whom a license is issued pursuant to this chapter shall, as a condition precedent to its issuance, and in addition to any application, examination or other fee, pay the prescribed initial license fee.

(3) Fees prescribed in subsection (1) of this section shall be exclusive and no municipality shall have the right to require any person licensed under this chapter to furnish any bond, pass any examination, or pay any license fee or occupational tax.

(4) Fees listed in subsection (1) of this section shall be commensurate to the extent feasible with the cost of fulfilling the duties of the board and council as defined by this chapter; however, no individual fee shall exceed One Hundred Dollars (\$100.00).



(5) Any increase in the fees charged by the board under this section shall be in accordance with the provisions of Section 1 of this act.

**SECTION 52.** Section 73-55-13, Mississippi Code of 1972, is amended as follows:

73-55-13. (1) Except as provided in Section 33-1-39, a person licensed as an athletic trainer under this chapter shall pay to the board a fee not to exceed Three Hundred Dollars (\$300.00) for every three-year period for a renewal of his license. Any increase in the fee charged by the board under this subsection shall be in accordance with the provisions of Section 1 of this act.

(2) Continuing education requirements for license renewal shall be fulfilled during three-year periods running concurrently with the requirement to maintain certification through the BOC, Inc. Proof of the completion of continuing education as required by this section shall be turned in to the board at the time of renewal of license.

**SECTION 53.** Section 73-57-19, Mississippi Code of 1972, is amended as follows:

73-57-19. (1) Examinations for the licensure in respiratory care will be conducted not less than two (2) times a year and at such places as may be determined by the board.

(2) An applicant applying for license to practice respiratory care shall pay an administrative fee to the board. A

fee shall be required for each examination or reexamination. If an applicant fails to complete the requirements for licensing within two (2) years from the date of filing, the application is deemed to be abandoned.

(3) A fee shall be required for each re-registration.

(4) Any increase in the fees charged by the board under this section shall be in accordance with the provisions of Section 1 of this act.

**SECTION 54.** Section 73-57-21, Mississippi Code of 1972, is amended as follows:

73-57-21. Upon payment of a fee, the board may issue a temporary permit to practice respiratory care for a period of six (6) months to an applicant for licensing who is a student in an approved respiratory care education program who expects to graduate within the next thirty (30) calendar days and who is eligible to sit for the CRT, RRT, or their successor examination. Any increase in the fee charged by the board under this section shall be in accordance with the provisions of Section 1 of this act.

**SECTION 55.** Section 73-57-27, Mississippi Code of 1972, is amended as follows:

73-57-27. (1) A license shall be renewed biennially beginning with the first renewal term after the issuance of the license, except as herein provided. The board shall provide notice of renewal at least thirty (30) calendar days prior to

expiration for renewal of license to every person to whom a license was issued or renewed during the preceding renewal period. The notice of renewal shall indicate the renewal process and required fees required to be completed before the date of expiration.

(2) Upon receipt of the notice of renewal and the renewal fee, the board shall verify its contents and shall issue the licensee a license for the current renewal period, which shall be valid for the period stated thereon. The board, with the advice of the council, shall establish continuing education requirements for biennial renewal of the license, which shall include proof of completion of at least fifteen (15) clock hours approved by the board for continuing education credit. Any increase in the fee charged by the board under this subsection shall be in accordance with the provisions of Section 1 of this act.

(3) A licensee who allows his license to lapse by failing to renew it may be reinstated by the board upon payment of the renewal fee and the reinstatement fee, provided that such request for reinstatement is made within two (2) years of the end of the renewal period. Any increase in the fee charged by the board under this subsection shall be in accordance with the provisions of Section 1 of this act.

(4) A respiratory care practitioner who does not engage in the practice of respiratory care during the succeeding renewal period is not required to pay the renewal fee as long as he

remains inactive. If he desires to resume the practice of respiratory care, he shall notify the board of his intent and shall satisfy the current requirements of the board in addition to remitting the renewal fee for the current renewal period and the reinstatement fee.

(5) The board is authorized to establish fees for replacement and duplicate licenses, and any increase in the fees charged by the board under this subsection shall be in accordance with the provisions of Section 1 of this act.

**SECTION 56.** Section 73-57-29, Mississippi Code of 1972, is amended as follows:

73-57-29. All fees established by the board under this chapter shall be set in such an amount as is necessary to reimburse the state for the cost of services rendered, not to exceed a biennial sum of Two Hundred Fifty Dollars (\$250.00) to be paid by any individual. Any increase in the fees charged by the board under this chapter shall be in accordance with the provisions of Section 1 of this act. Fees received by the board and monies collected under this chapter shall be deposited in the State Treasury to the credit of the Respiratory Care Fund. Expenses incurred in the performance of this chapter shall be paid in accordance with the accounting laws of the state.

**SECTION 57.** Section 73-61-1, Mississippi Code of 1972, is amended as follows:

73-61-1. (1) No person shall place a tattoo upon the body of a human for compensation within the State of Mississippi without first registering with the State Department of Health. The facility or premises in which tattooing is to be performed shall be specified in the registration, and the registered person shall be authorized to perform tattooing only in the specified facility or premises. For the purposes of this section, "tattooing" means to make indelible marks or designs on or visible through the skin of a human by puncturing or pricking the skin with a needle or other instrument and inserting ink or other pigments, and "tattoo" means the indelible mark or design so produced. Registrations shall be valid for one (1) year, and each person registered under this section shall pay an annual registration fee to the department in an amount set by the department, but not to exceed One Hundred Fifty Dollars (\$150.00), which fee shall be uniform for all registered persons. Any increase in the fee charged by the department under this subsection shall be in accordance with the provisions of Section 1 of this act.

(2) The State Board of Health shall promulgate rules and regulations relating to:

(a) Health, cleanliness and general sanitation of the facilities or premises in which tattooing is performed or to be performed;

(b) Sterilization of tattooing apparatus and safe disposal of tattooing apparatus;

(c) Procedures to prevent the transmission of disease or infection during or relating to tattooing procedures, specifically including, but not limited to, transmission of Hepatitis B and the human immunodeficiency virus (HIV); and

(d) Such other administrative provisions as may be necessary to protect public health or properly administer the requirements of this section.

(3) Representatives of the department may visit any facility or premises in which tattooing is performed at any time during business hours to ensure compliance with the requirements of this section and the rules and regulations promulgated under this section. Representatives of the department shall visit each facility or premises in which tattooing is performed not less than once each year to inspect for such compliance. The department may suspend or revoke the registration of any person found to be violating any of the rules or regulations promulgated under this section.

(4) It shall be unlawful for any person to place a tattoo upon the body of any person under the age of eighteen (18) years.

(5) Any person who places a tattoo upon the body of a human for compensation without first registering with the department or after his registration has been suspended or revoked by the department, or any person who places a tattoo upon the body of any

person in violation of subsection (4) of this section, is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00).

(6) The department is authorized to bring an action for an injunction under the provisions of Sections 73-51-1 through 73-51-5 to prohibit any person who is required to be registered under this section from performing tattooing without first registering with the department or after his registration has been suspended or revoked by the department.

(7) This section shall not apply to physicians licensed to practice medicine in Mississippi in the performance of their professional duties.

**SECTION 58.** Section 73-61-3, Mississippi Code of 1972, is amended as follows:

73-61-3. (1) For the purposes of this section, the term "body piercing" means the creation of an opening in any part of the human body, other than the outer perimeter or lobe of the ear, for the purpose of inserting jewelry or other decorative object, or for some other nonmedical purpose.

(2) No person shall perform body piercing upon any person for compensation within the State of Mississippi without first registering with the State Department of Health. The facility or premises in which body piercing is to be performed shall be specified in the registration, and the registered person shall be

authorized to perform body piercing only in the specified facility or premises. Except as provided in Section 33-1-39, registrations shall be valid for one (1) year, and each person registered under this section shall pay an annual registration fee to the department in an amount set by the department, but not to exceed One Hundred Fifty Dollars (\$150.00), which fee shall be uniform for all registered persons. Any increase in the fee charged by the department under this subsection shall be in accordance with the provisions of Section 1 of this act.

(3) The State Board of Health shall promulgate rules and regulations relating to:

(a) Health, cleanliness and general sanitation of the facilities or premises in which body piercing is performed or to be performed;

(b) Sterilization of body piercing apparatus and safe disposal of body piercing apparatus;

(c) Procedures to prevent the transmission of disease or infection during or relating to body piercing procedures, specifically including, but not limited to, transmission of Hepatitis B and the human immunodeficiency virus (HIV); and

(d) Such other administrative provisions as may be necessary to protect public health or properly administer the requirements of this section.

(4) Representatives of the department may visit any facility or premises in which body piercing is performed at any time during



business hours to ensure compliance with the requirements of this section and the rules and regulations promulgated under this section. Representatives of the department shall visit each facility or premises in which body piercing is performed not less than once each year to inspect for such compliance. The department may suspend or revoke the registration of any person found to be violating any of the rules or regulations promulgated under this section.

(5) It shall be unlawful for any person to perform body piercing upon any person under the age of eighteen (18) years.

(6) Any person who performs body piercing for compensation without first registering with the department or after his registration has been suspended or revoked by the department, or any person who performs body piercing upon any person in violation of subsection (5) of this section, is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00).

(7) The department is authorized to bring an action for an injunction under the provisions of Sections 73-51-1 through 73-51-5 to prohibit any person who is required to be registered under this section from performing body piercing without first registering with the department or after his registration has been suspended or revoked by the department.

(8) This section shall not apply to physicians licensed to practice medicine in Mississippi in the performance of their professional duties.

**SECTION 59.** Section 73-65-5, Mississippi Code of 1972, is amended as follows:

73-65-5. The board shall:

(a) Promulgate regulations necessary to carry out the provisions of this chapter;

(b) Require that all applicants register for, take and pass the Art Therapy Credentials Board Examination as administered by the Art Therapy Credentials Board, Inc.;

(c) Establish the application deadline for and score required to pass the examination;

(d) Process applications and review the required examinations;

(e) Issue licenses to applicants who meet the requirements of Section 73-65-7 or 73-65-9;

(f) Deny, suspend or revoke a license to practice art therapy;

(g) Censure, reprimand, or place a license holder or applicant on probation for a period not to exceed one (1) year;

(h) Maintain a current register of license holders as a matter of public record;

(i) Establish criteria for continuing education;

(j) Establish procedures for receiving, investigating and resolving complaints against license holders;

(k) Approve the level of supervision and experience required for persons seeking licensure;

(l) Assess fees for the issuance and renewal of licenses to cover expenses of the board in administering this chapter; any increase in the fees charged by the board under this paragraph shall be in accordance with the provisions of Section 1 of this act;

(m) Implement an impaired professional art therapist treatment program; and

(n) Adopt a code of ethics as established by the Art Therapy Credentials Board, Inc.

**SECTION 60.** Section 73-65-9, Mississippi Code of 1972, is amended as follows:

73-65-9. (1) Except as provided in Section 33-1-39, each license holder shall renew the license to practice art therapy biennially by submitting a renewal application on a form provided by the board, paying a license renewal fee, and producing evidence of completion of relevant professional continuing education experience satisfactory to the board, not to exceed forty (40) hours per renewal cycle.

(2) A ninety-day grace period shall be allowed for each license holder after the licensure period, during which time the

license may be renewed upon payment of the renewal fee, the late fee, and compliance with all renewal requirements.

(3) Any license granted by the board shall be automatically suspended if the holder fails to apply for the license renewal pursuant to this section within a period of three (3) months after the renewal deadline; however, any suspended license may be restored by the board upon payment of a reinstatement fee not to exceed One Hundred Dollars (\$100.00), in addition to any unpaid renewal or late fees. Any increase in the fee charged by the board under this subsection shall be in accordance with the provisions of Section 1 of this act. Failure to renew a license within three (3) months from the date of suspension as provided in this section shall cause the license to be automatically revoked. Reinstatement of a revoked license shall require the license holder to reapply and meet all current standards for licensure.

(4) A person licensed under the provisions of Section 73-65-7 who intends to retire as a licensed professional art therapist shall notify the board in writing before the expiration of his current licensure. If, within a period of five (5) years from the year of retirement, the license holder wishes to resume practice as a licensed professional art therapist, he shall notify the board in writing, and upon giving proof of completing the required continuing education and the payment of an amount equivalent to elapsed renewal fees, the license shall be restored in full effect.

**SECTION 61.** Section 73-65-11, Mississippi Code of 1972, is amended as follows:

73-65-11. The board shall set the amount of the fees required to be paid by applicants for licensure and license holders including, but not limited to, the following:

(a) For an application for initial licensure, the fee shall be nonrefundable and shall not exceed Two Hundred Dollars (\$200.00);

(b) \* \* \* For renewal of a license, the fee shall not exceed Two Hundred Dollars (\$200.00);

(c) For a duplicate or replacement license, the fee shall not exceed Twenty-five Dollars (\$25.00);

(d) For failure to renew a license within the allotted grace period pursuant to Section 73-65-9, the fee shall not exceed One Hundred Dollars (\$100.00); and

(e) Other reasonable fees for administrative services.

Any increase in the fees charged by the board under this section shall be in accordance with the provisions of Section 1 of this act.

**SECTION 62.** Section 75-29-805, Mississippi Code of 1972, is amended as follows:

75-29-805. The board shall assess a fee in the following amount and for the following purpose:

Annual bottled drinking water certification fee.....\$200.00

Any increase in the fee charged by the board under this section shall be in accordance with the provisions of Section 1 of this act.

**SECTION 63.** Section 75-31-65, Mississippi Code of 1972, is amended as follows:

75-31-65. (1) The State Board of Health shall:

(a) Exercise general supervision over the production, processing and sale of milk and milk products and the processing and sale of frozen desserts.

(b) Adopt, modify, repeal and promulgate rules and regulations, after due notice and hearing, and, where not otherwise prohibited by federal law or state law, make exceptions to, grant exemptions from and enforce rules and regulations implementing or effectuating the duties of the board under this section to protect the public health.

(c) Use the most current edition of the Pasteurized Milk Ordinance, or its successor, as the basis for regulation of Grade "A" milk and milk products. Unless as otherwise provided by law, the board, in its discretion, may amend, modify or make additions to the Pasteurized Milk Ordinance if the board determines that such amendment, modification or addition is in the best interest of public health.

(2) The board shall assess fees in the following amount and for the following purpose:

Milk product processing plant annual permit fee..... \$300.00

Frozen dessert processing plant annual permit fee.....\$300.00

Any increase in the fees charged by the board under this subsection shall be in accordance with the provisions of Section 1 of this act.

The fees authorized under this subsection shall not be assessed for milk or frozen dessert processing plants operated by public schools, by public junior colleges or by state agencies or institutions, including, without limitation, the state institutions of higher learning.

(3) Incidental sales of raw goat milk shall be legal if:

(a) The milk is sold directly to the consumer on the premises where the milk is produced;

(b) No more than nine (9) producing goats are located on the premises where the milk is produced;

(c) The person selling the milk does not advertise the milk for sale; and

(d) The following conditions, which apply to the milking of goats involved in legal incidental sales of raw goat milk, are satisfied:

(i) The milking takes place in a clean environment on a cement or comparable floor;

(ii) The milking place is enclosed by a wall and/or a screen to prevent insects from entering the milking area;

(iii) A fly strap is located in the milking area;  
and

(iv) Sterile containers are used in the milking process and for storage.

It shall not be unlawful to store raw goat milk in a separate sterile place from pasteurized goat milk. The Cooperative Extension Service at Alcorn State University shall publish and make available literature on the requirements of this subsection, and other related milk-goat maintenance, explaining the recommended care of milk goats and the process of goat milk production and other related subjects. For the purposes of this subsection, the term "incidental sales" means sales from a farm where not more than nine (9) goats are producing milk.

(4) For purposes of this section, the term "person" includes an individual, firm, partnership, association or corporation, foreign or domestic.

(5) All fees collected by the board under this section shall be paid into a special fund within the Department of Health to be used by the department to discharge its duties under this section.

(6) Any person coming within the provisions of this section who fails to comply with or violates any of the provisions of this section or regulations promulgated thereunder, unless otherwise specifically provided in this section, is guilty of a misdemeanor and, upon conviction, shall be fined not more than One Hundred Dollars (\$100.00) or confined in jail for not more than sixty (60) days, or both.



(7) Any person who sells or offers for sale adulterated milk or milk products or cream or frozen desserts or any milk or cream having therein any foreign substance or coloring matter or any chemicals or preservatives, whether for the purpose of increasing the quantity of milk or cream or for improving its appearance or for the purpose of preserving the condition of sweetness thereof, or for any other purpose whatsoever, or unpasteurized milk or milk products except as otherwise authorized by law, is guilty of a misdemeanor, and, upon conviction, shall be fined not more than Five Hundred Dollars (\$500.00) or confined in jail not more than sixty (60) days, or both; however, nothing in this subsection shall be construed to prevent the addition of vitamins to milk or milk products in accordance with the rules and regulations promulgated by the board or to prohibit the sale of pasteurized milk or cream or frozen desserts except unlawful cream or unlawful milk products or unlawful frozen desserts as defined in the rules and regulations promulgated by the board.

(8) (a) Any person doing business in the State of Mississippi and engaged in the production, manufacture, sale or distribution of any dairy products that, for the purpose of destroying the business of a competitor in any locality or creating a monopoly, discriminates between different sections, localities, communities, cities or towns of the state by selling such commodity at a lower rate or price in one (1) section, locality, community, city or town than such commodity is sold by

such person in any other section, locality, community, city or town, after making due allowance for the difference, if any, in the grade or quality and in the actual cost of the transportation from the point of production or purchase, if a raw product, to the place of sale, storage or distribution, is guilty of unfair discrimination, which is prohibited and declared unlawful; however, prices made to meet competition in such section, locality, community, city or town shall not be in violation of this subsection.

(b) Any person doing business in the State of Mississippi and engaged in the business of purchasing for manufacture, storage, sale or distribution of any dairy product, that, for the purpose of destroying the business of a competitor or creating a monopoly, discriminates between different sections, localities, communities, cities or towns in the state by purchasing such commodity at a higher rate or price in one (1) section, locality, community, city or town than is paid for such commodity by such person in any other section, locality, community, city or town, after making due allowance for the difference, if any, in the grade or quality, and in the actual cost of transportation from the point of purchase to the point of manufacture, sale or distribution or storage, is guilty of unfair discrimination, which is prohibited and declared to be unlawful; however, prices made to meet competition in such locality,

section, community, city or town shall not be a violation of this subsection.

(c) Any person convicted of a violation of this subsection, shall be fined not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00) or shall be imprisoned in jail not more than twelve (12) months, or both.

(9) Nothing in this section shall be construed to apply to any person who does not sell his milk, cream, butter or other products mentioned herein to others.

**SECTION 64.** Section 75-74-11, Mississippi Code of 1972, is amended as follows:

75-74-11. No person or organization may operate or sponsor a youth camp in Mississippi without first holding a valid license under this chapter and without complying with the provisions of this chapter and with any rule, regulation or order of the State Board of Health.

Each application for a license to operate or sponsor a youth camp shall be accompanied by a license fee of One Hundred Fifty Dollars (\$150.00), which shall be paid to the board. A license issued under this chapter may be renewed upon payment of a renewal fee of One Hundred Fifty Dollars (\$150.00), which shall be paid to the board.

Any increase in the fees charged by the board under this section shall be in accordance with the provisions of Section 1 of this act.

No governmental entity or agency shall be required to pay the fee or fees set forth in this section.

**SECTION 65.** This act shall stand repealed on July 1, 2020.

**SECTION 66.** This act shall take effect and be in force from and after July 1, 2016.

PASSED BY THE HOUSE OF REPRESENTATIVES  
April 19, 2016



SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE  
April 19, 2016



PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR



GOVERNOR

May 17, 2016  
1:15pm